

MINUTES OF A PUBLIC HEARING AND MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, JULY 26, 1976, 7:30 P.M.

Mayor Wallace called the meeting to order at 7:45 p.m.

Present were:

Gerald Cohen  
Robert Epting  
Jonathan Howes  
Thomas Gardner  
R. D. Smith  
Edward Vickery



Also present were Town Attorney E. Denny, Town Manager K. Jenne, and Town Clerk D. Roberts. Alderman Shirley Marshall and Marvin Silver were excused.

Mayor Wallace announced that due to the size of the agenda, the meeting would be broken into two parts, it would be recessed after the first part and would reconvene at 7:00 p.m., Wednesday, July 28, 1976. The items to be deferred until Wednesday were 8, 9, 10, 12, 15, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34 and 36. Alderman Vickery asked that Item 15, the proposal for interior bus advertising be considered because of the time limit involved in getting the project started by the fall return of students. Mr. Jenne stated that item 8, the Eastern Federal Subdivision could be deferred until the September 12 meeting. The developer has agreed to this.

Mayor Wallace declared the public hearing, to hear proposed amendments to the Chapel Hill Zoning Map for the proposed Laketree Community, in session. Mr. Denny then advised that it would be difficult to separate the explanation of public hearings one, two and three which all dealt with the proposed Laketree Community. He asked that all three be taken as a unit. Although it was necessary for only those giving testimony for public hearings two and three on the Unified Business Special Use Permits to be sworn, Mr. Denny suggested that anyone wishing to speak come forward to be sworn to avoid confusion as to which was sworn testimony and which was not. Several persons then stepped forward and were sworn.

Mr. Jennings presented the outline of the project to be developed on a 387 acre tract known as Lot 4, Block A, on Map 126. The area is presently zoned agricultural, R-20 and R-10. The applicants were requesting that the zoning be changed as follows: a 97-acre tract from R-20 to R-10; a 42-acre tract from agricultural to R-6; a 48-acre tract from agricultural to R-4; and a 144-acre tract from agricultural to R-20. There are two Unified Business Special Use Permits requested, one for a 12.8-acre office part and one for a 12.9-acre shopping center. Mr. Jennings pointed out each section to be rezoned on the zoning maps. An acre along 15-501 and an area to the east of 15-501 have been reserved. This has been reserved for a buffer zone and for future development. The portion to the east of 15-501, consisting of 1.46-acres has been reserved, at the request of the town staff, for possible acquisition by the town for a fire station. As the development would include some traffic considerations, the town had employed traffic consultant, Mr. Bill Horn of Kimley-Horn to prepare a traffic impact analysis. The extension of Damascus Church Road as proposed is in accordance with the adopted thoroughfare plan.

Highway 15-501 has a 60-foot right-of-way; the approved thoroughfare plan calls for a 90-foot right-of-way, and the proposed thoroughfare plan calls for a 250-foot right-of way. The applicant has shown a buffer zone along 15-501 which would allow for expansion of the highway. The proposed R-20 zoning will be for Laketree Hills and for pedestrian easements. A 31-acre lake is planned to augment the stream flow downstream during low flow periods, and for aesthetic and open space purposes. This area will also include a dam and sewage treatment plant to serve the needs of Laketree community as a whole. The R-10 area is planned for single family residences on average size lots of 15,000 sq. ft. The R-6 area will be along the lake in condominium development. Away from the lake and toward 15-501 is the R-4 area which will be developed for apartments. The office park is subject to a special use permit. It will consist of eight 1, 2 and 3-story buildings. Parking will be in accordance with the special use requirements for parking. This however could be affected by the Zoning Text Amendment also to be considered by the Board at this meeting. There would be two ingress-egress points for the office park off Damascus Church Road, and one access point off 15-501. The shopping center will be north of the office park and with two access points off Damascus Church Road, one off 15-501, and one off Hunting Ridge Road. The shopping center will consist of three buildings with a total of 103,525 square feet. Parking will be in excess of the town requirements. Mr. Jennings introduced Mr. John W. Horn, who presented the results of his traffic impact study.

2

Mr. Horn (sworn) explained that his firm had been employed by the Town to make an independent study concerning the development as described by Mr. Jennings and with information supplied by the Town. Mr. Horn emphasized that Culbreth Road and Smith Level Road were to be important facilities in the development. He listed 1975 data for vehicle volume on Pittsboro Road, 15-501, Smith Level Road, Dogwood Drive and other roads and interchanges which would be affected by the development. The projections for the study were based upon a number of factors as to the new traffic to be generated by the proposed development. Then the projected traffic volume was distributed as to attractions for different directions and ultimate locations. The estimated volume generated by new development is then added to the current level. His study included the full volume expected to be generated by the shopping center and office park as well as the residential areas.

Mr. Horn presented a table of generation rates which was also divided into internal and external trips for the development. The impact was dependent upon three conditions: (1) that Damascus Church Road would not be extended to Smith Level Road and that there would be no connection to Culbreth Road; and the development's predominant access would be to 15-501; (2) the traffic would have access to 15-501 and to Culbreth Road; and (3) that Damascus Church Road would be extended giving the development access to Smith Level Road, and there would be access to Culbreth Road. Mr. Horn then presented maps showing the distribution percentages of traffic from the development on nearby roads, in the case of each alternative. The largest impact in all alternatives is on 15-501, increasing the volume on that road to the extent that widening of the road would be necessary. Improvements would be needed at the interchanges in the area such as 15-501 and Farrington Road, the By-pass and Old Pittsboro Road, and Smith Level Road and the By-pass. Recommendations include a multi-lane facility on 15-501 through the Farrington Road interchange and along the development line. This should be divided highway with a median with left turns cut at selected locations. A larger right-of-way is recommended for Culbreth Road because dual left turning lanes may be required. In addition to four lanes, acceleration and deceleration lanes on the property front along the commercial areas would be recommended.

Alderman Cohen asked if the traffic from approved proposed developments in North Chatham would create a need for roadway or interchange improvements. Mr. Horn said no impacts other than those from Laketree had been considered in the study. He added that the 250-foot right-of-way proposed by the developer would be a safeguard and would allow possible six-laning should the need arise. However, the four lane facility should accommodate a volume of 30,000 to 40,000 vehicles. Although the shopping center and office buildings will attract some of the traffic from Chatham County now coming into Chapel Hill, it will also attract traffic from Chapel Hill. Alderman Cohen asked if public transit would affect the volume of traffic by any significant amount. However, Mr. Horn answered that the impact of public transit had already been included in the study. Mr. Horn also stated that no alternative would have a significant difference on Merritt Mill Road, however the ramp coming off 15-501 onto Merritt Mill Road is, and will continue to be, a problem. Mayor Wallace asked if the length of 15-501, between the By-pass and Manning Drive, to be four-laned would be affected. It was Mr. Horn's opinion that all of 15-501, from Estes Drive to the By-pass would need to be enlarged to a multi-lane road. In reply to Alderman Smith, Mr. Horn stated that traffic to the Zoological Park would not affect this area greatly unless a super highway which would compete with I-85 was built. Alderman Gardner asked if the impact figures could be updated to include projected growth figures for Damascus Church Road, and North Chatham County. Mr. Horn said this could be done. He then submitted the Traffic Impact Analysis, total length of 25 pages, to be included and it is by reference hereby incorporated into the record.

TRAFFIC IMPACT ANALYSIS  
LAKETREE SUBDIVISION  
CHAPEL HILL, N.C.

Prepared for: The Town of Chapel Hill, N.C.

Prepared by: Kimley-Horn and Associates, Inc.  
Raleigh, West Palm Beach, Nashville



July, 1976



# KIMLEY - HORN and ASSOCIATES, INC.

RALEIGH  
WEST PALM BEACH  
JACKSONVILLE  
NASHVILLE  
NORFOLK

ENGINEERS and PLANNERS  
PLANNING, DESIGN and OPERATIONS

P. O. BOX 33037 • RALEIGH, NORTH CAROLINA 27606  
PHONE (919) 467-6351

July 26, 1976

Mr. Mike Jennings  
Director of Planning  
Town of Chapel Hill  
Chapel Hill, North Carolina

Dear Mr. Jennings:

As requested by your office, please find herein the report on TRAFFIC IMPACT ANALYSIS - LAKETREE SUBDIVISION - CHAPEL HILL, N.C., prepared for the Town of Chapel Hill by Kimley-Horn and Associates, Inc., July 1976.

All interpretations, conclusions and recommendations, as presented herein, have been made independently by our professional staff based upon data provided by your office, the State of North Carolina and data from our own personal experience files.

We appreciate the opportunity to provide this service to the Town of Chapel Hill and will be happy to answer any questions you may have.

Very truly yours,

John W. Horn, P.E.  
Executive Vice President

Professional Engineer  
N.C. Registration # 2299

TABLE OF CONTENTS

LOCATION OF SUBDIVISION AND EXISTING CONDITIONS . . . . . 1  
VEHICLE TRIP GENERATION . . . . . 4  
INTERNAL TRIP GENERATION . . . . . 7  
ASSIGNMENT OF GENERATED TRAFFIC . . . . . 8  
TRAFFIC VOLUME IMPACT . . . . . 14  
ACCESS TO COMMERCIAL PROPERTIES . . . . . 20  
PITTSBORO ROAD-US 15-501 BYPASS INTERCHANGE IMPACT . . . . . 22

LIST OF FIGURES

|           |   |    |
|-----------|---|----|
| FIGURE 1  | SITE LOCATION . . . . .                                   | 2  |
| FIGURE 2  | AREA 1975 ADT VOLUMES . . . . .                           | 3  |
| FIGURE 3  | PROPOSED LAND USES . . . . .                              | 5  |
| FIGURE 4  | CHAPEL HILL-CARRBORO POSSIBLE THOROUGHFARE PLAN . . . . . | 9  |
| FIGURE 5  | PROPOSED STREET PATTERN . . . . .                         | 10 |
| FIGURE 6  | ALTERNATE 1: TRAFFIC DISTRIBUTION . . . . .               | 11 |
| FIGURE 7  | ALTERNATE 2: TRAFFIC DISTRIBUTION . . . . .               | 12 |
| FIGURE 8  | ALTERNATE 3: TRAFFIC DISTRIBUTION . . . . .               | 13 |
| FIGURE 9  | ALTERNATE 1: TRAFFIC VOLUME IMPACT . . . . .              | 15 |
| FIGURE 10 | ALTERNATE 2: TRAFFIC VOLUME IMPACT . . . . .              | 16 |
| FIGURE 11 | ALTERNATE 3: TRAFFIC VOLUME IMPACT . . . . .              | 17 |

LIST OF TABLES

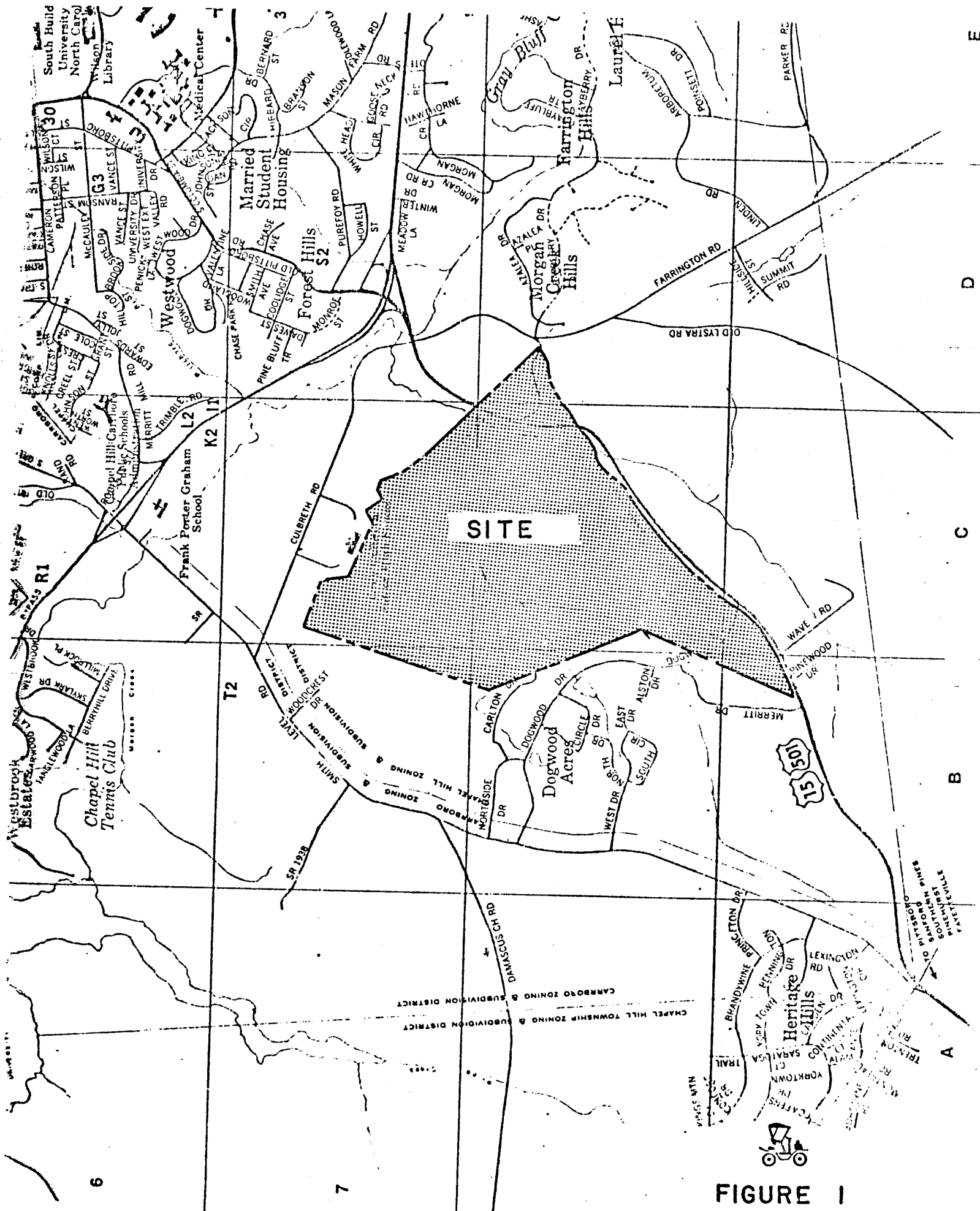
|         |                            |   |
|---------|----------------------------|---|
| TABLE 1 | GENERATION RATES . . . . . | 6 |
|---------|----------------------------|---|



LOCATION OF SUBDIVISION AND EXISTING CONDITIONS

The Laketree Subdivision is located southwest of Chapel Hill and fronts on US 15-501, Pittsboro Road, between Culbreth Road and Merritt Drive as shown in Figure 1. The tract is approximately 400 acres in size, and the developers propose the development of mixed single family and multi-family residential uses with a shopping center, an office park, a 30 acre lake, and approximately 10 acres of pedestrian bike-ways, and flood plain areas. The predominant existing zoning in the area is Agricultural.

The site at present is served only by US 15-501, Pittsboro Road, a major arterial street with 24 feet of pavement width and 60 feet of right-of-way. The roadway presently carries nearly 8,000 vehicles daily, is zoned for 55 mph and is near its practical traffic capacity. The 1975 ADT traffic volumes on the roads in the area affected by the proposed subdivision are shown in Figure 2. No improvements to any of the roads affected by the development are scheduled in the North Carolina Highway Improvement Program 1975-1982 by the Division of Highways, N. C. Department of Transportation.



**FIGURE I**  
**VICINITY MAP**



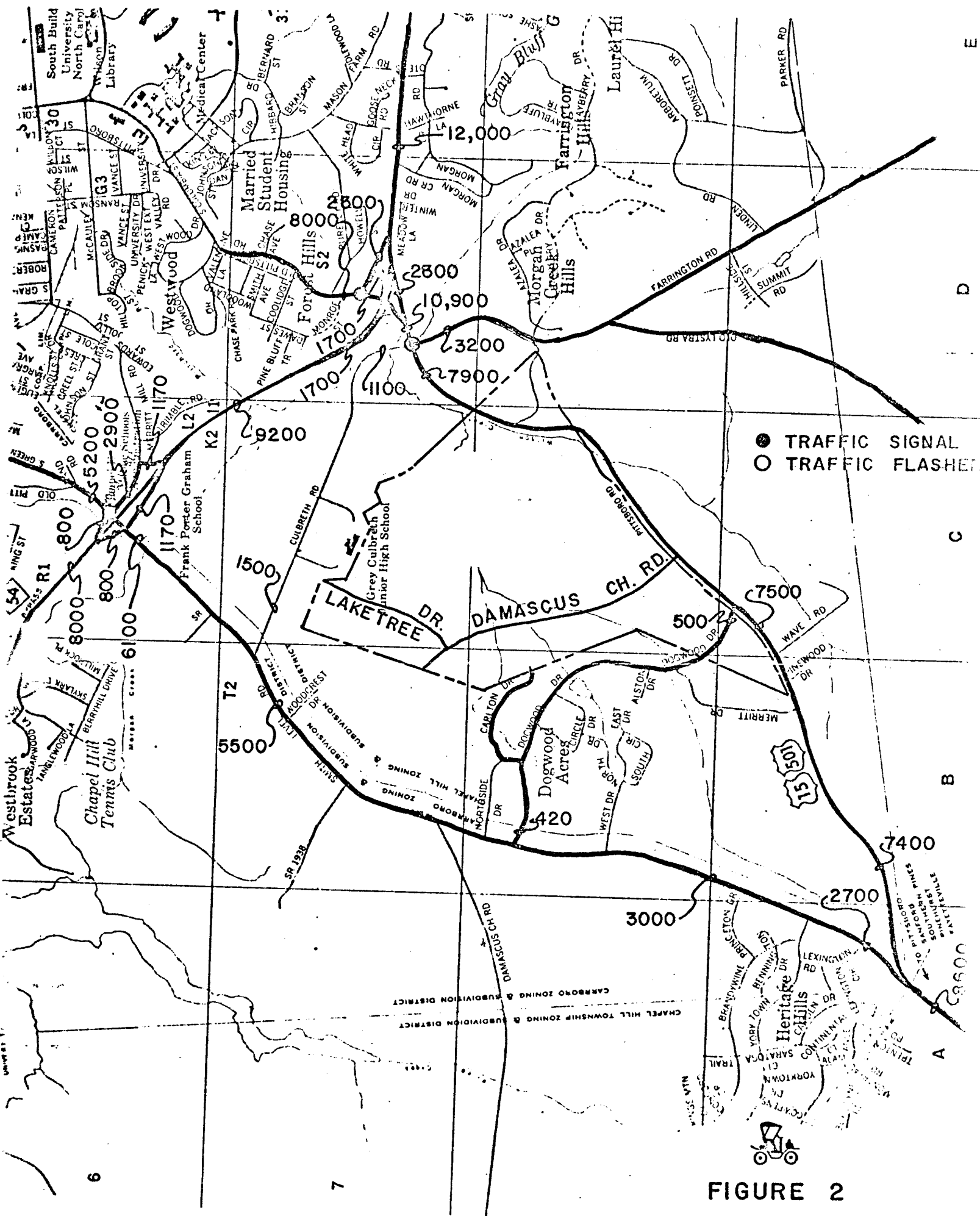


FIGURE 2

AREA 1975 ADT VOLUMES

### VEHICLE TRIP GENERATION

The proposed development consists of approximately 42 acres of R-6 residential land, 48 acres of R-4 residential land, 97 acres of R-10 residential land, 134 acres of R-20 residential land, 12.8 acres of office park, and 13 acres of shopping center. The locations of the various requested zoning, as provided by the Town, are shown in Figure 3, along with the approximate number of dwelling units and the square footage of other uses. The various number or size structures to be established in each zoned area with the estimated traffic generation rates and volumes are given in Table 1.

The nationwide generation rate for shopping centers of the size proposed in Laketree varies from 35 to 100 vehicles per day per 1,000 square feet. This variation exists because of location, size, access, composition, and area family income. The proposed Laketree shopping center is in close proximity to residential areas with above average family income, the proposed composition of shops is of the neighborhood type center, and the proximity to married student housing and other students at the University indicate that the shopping center will generate approximately 59 trips per 1,000 square feet of floor area. The center is reasonably comparable to Ridgewood Shopping Center in Raleigh, N. C.

The R-20 residential area with its estimated level of housing costs will be an exclusive area catering to the middle to high family income market. This market has been found to generate considerably higher traffic volumes than the average income single family residence. A generation rate of 15 vehicles per day per dwelling unit was estimated to be realistic for the conditions.

All other areas were analyzed using average generation rates as shown in Table 1.

LEGEND

- ⊗ = AREA NO
- U = UNITS
- SF = SQ. FT.

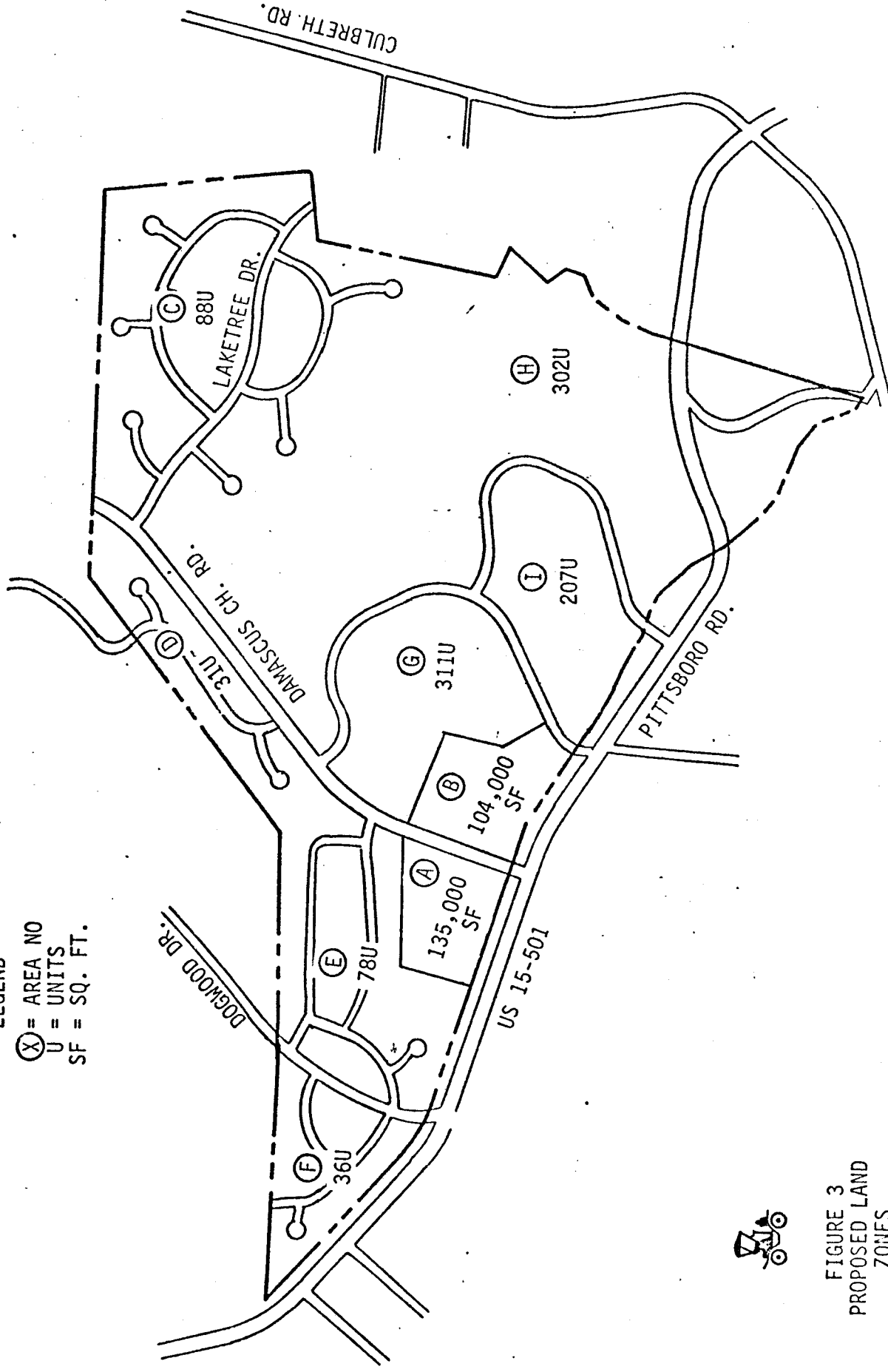


FIGURE 3  
PROPOSED LAND  
ZONES

TABLE 1  
GENERATION RATES

| AREA                        | PROP. ZONE | NO. UNITS OR SQ. FEET | GEN. RATE ADT | GEN. VOLUME ADT | INT. GEN. % APPROX. |
|-----------------------------|------------|-----------------------|---------------|-----------------|---------------------|
| A                           | OFFICE     | 135,000               | 14/m          | 1,890           | 0                   |
| B                           | SHOP CENT  | 104,000               | 59/m          | 6,136           | 0                   |
| C                           | R-20       | 88                    | 15/u          | 1,320           | 20                  |
| D                           | R-10       | 31                    | 9/u           | 279             | 22                  |
| E                           | R-10       | 78                    | 9/u           | 702             | 22                  |
| F                           | R-10       | 36                    | 9/u           | 324             | 22                  |
| G                           | R-4        | 311                   | 7/u           | 2,177           | 14                  |
| H                           | R-6        | 302                   | 7/u           | 2,144           | 21                  |
| I                           | R-4        | 207                   | 7/u           | 1,449           | 14                  |
| TOTAL TRACT ADT GENERATION* |            |                       |               | =               | 16,421              |
| TOTAL INTERNAL TRIPS        |            |                       |               | =               | 1,530               |
| TOTAL EXTERNAL TRIPS        |            |                       |               | =               | 13,367              |

\*INCLUDES 1,530 TRIPS INTERNALLY GENERATED

INTERNAL TRIP GENERATION

National trip purpose surveys have indicated that 9 to 10 percent of the vehicle trips in a town the size of Chapel Hill are for shopping purposes, and that all other purposes excluding work and social, account for about 17 percent of the trips. Since all shopping and other-purpose trips will not be confined to the site, a generation less than 26 percent was used to estimate internal trips. It was also estimated that the R-4 uses will have a number of University students as tenants which would distort the internal generation factors significantly. The percentages of internal generation for each area are given in Table 1. These percents are equivalent to 3 trips per dwelling unit in R-20, 2 trips in R-10, 1.5 trips in R-6, and 1.0 trip in R-4.

### ASSIGNMENT OF GENERATED TRAFFIC

The effects of the traffic volumes generated upon the streets serving the development will be contingent upon what access streets are constructed either with the advent of the development, or at some future date. Although no Thoroughfare Plan for the Chapel Hill-Carrboro area has been adopted, Figure 4 presents a Thoroughfare Plan presently being considered by City and State officials. The proposed development is shown in relation to the plan. US 15-501 (Pittsboro Road) is the only existing major thoroughfare serving the development. The future extension of Damascus Church Road is proposed from Smith Level Road eastward to Farrington Road. The Damascus Church Road extension passes through the proposed development, and the developers are reserving 90 feet of right-of-way for the street. The preliminary plans as provided by the Town, show 36 feet of pavement being furnished by the developer. However, Damascus Church Road will be constructed only within the proposed development and will not extend to Smith Level Road. It is the major access street for the development. The proposed street pattern for the development is shown in Figure 5. Information received from the Town indicates that the developer proposes to extend Laketree Drive to intersect Culbreth Road.

In studying the impact of the traffic generation on the adjacent streets, three alternate conditions were used.

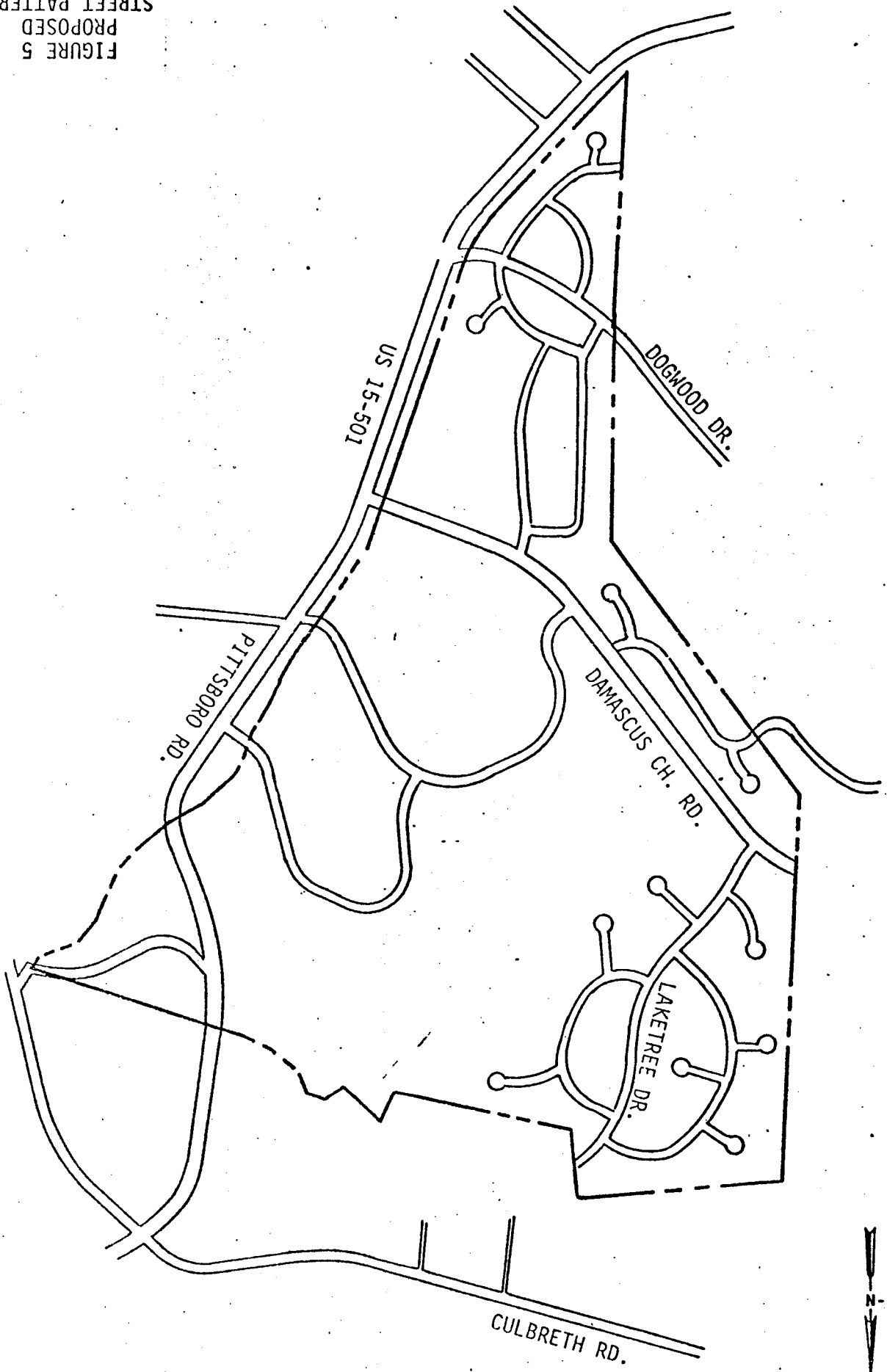
Alternate 1: Existing streets and developed streets without the Laketree Drive extension to Culbreth Road.

Alternate 2: Existing and developed streets with the extension of Laketree Drive to Culbreth Road.

Alternate 3: Existing and developed streets with the extension of Laketree Drive to Culbreth Road, and the extension of Damascus Church Road to Smith Level Road.

Each alternate will have a different effect on traffic distribution patterns to the north and west. The traffic distribution patterns were developed based upon population location in the region and the proximity of competing shopping centers. The estimated directional traffic distributions for each alternate condition are given in Figures 6, 7, and 8.

FIGURE 5  
PROPOSED  
STREET PATTERN

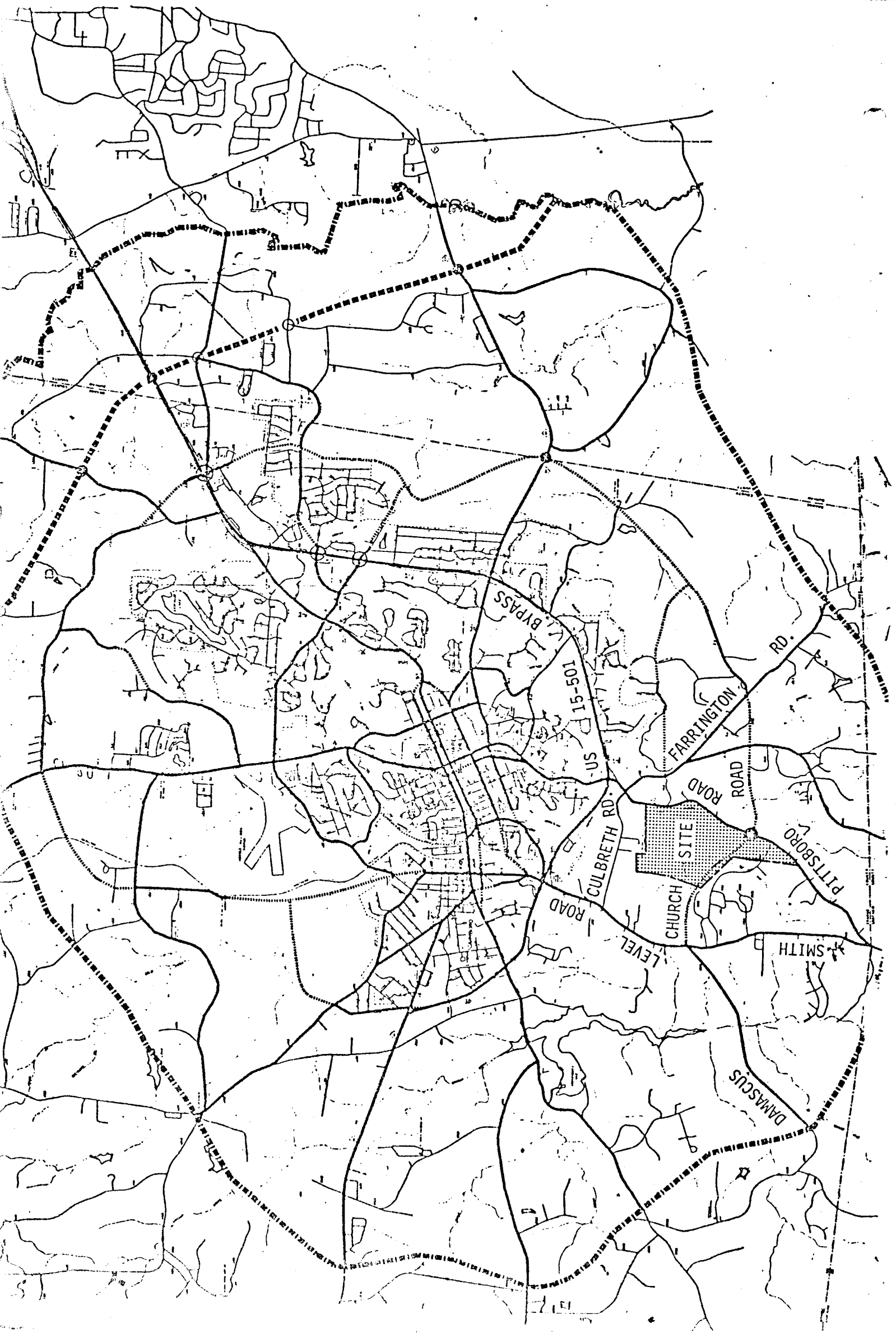


LEGEND

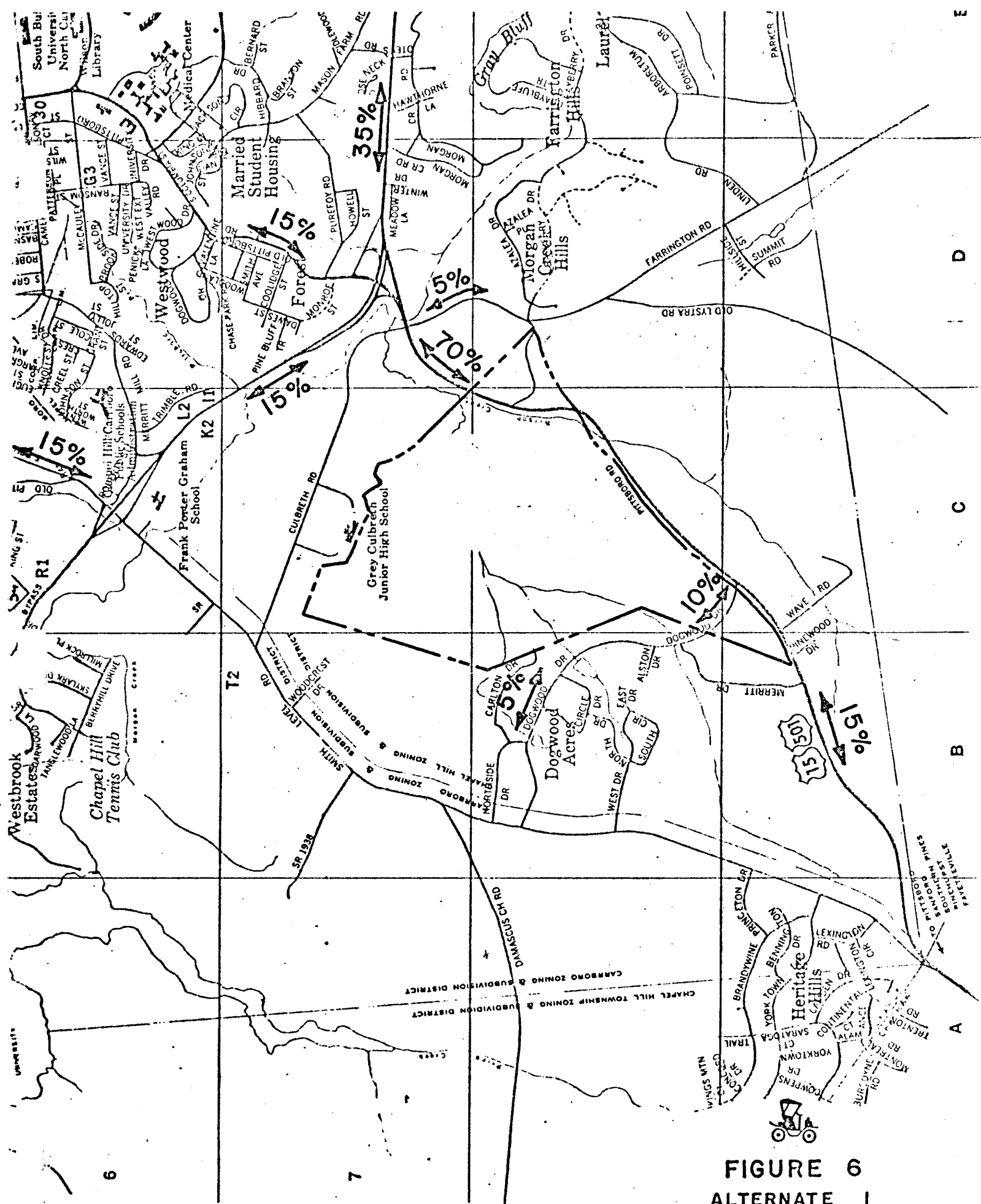
- EXTERNAL CORRIDOR
- FREEWAY
- EXISTING
- PROPOSED
- MAJOR THROUGHFARE
- MINOR THROUGHFARE
- INTERCHANGE
- GRADE SEPARATION



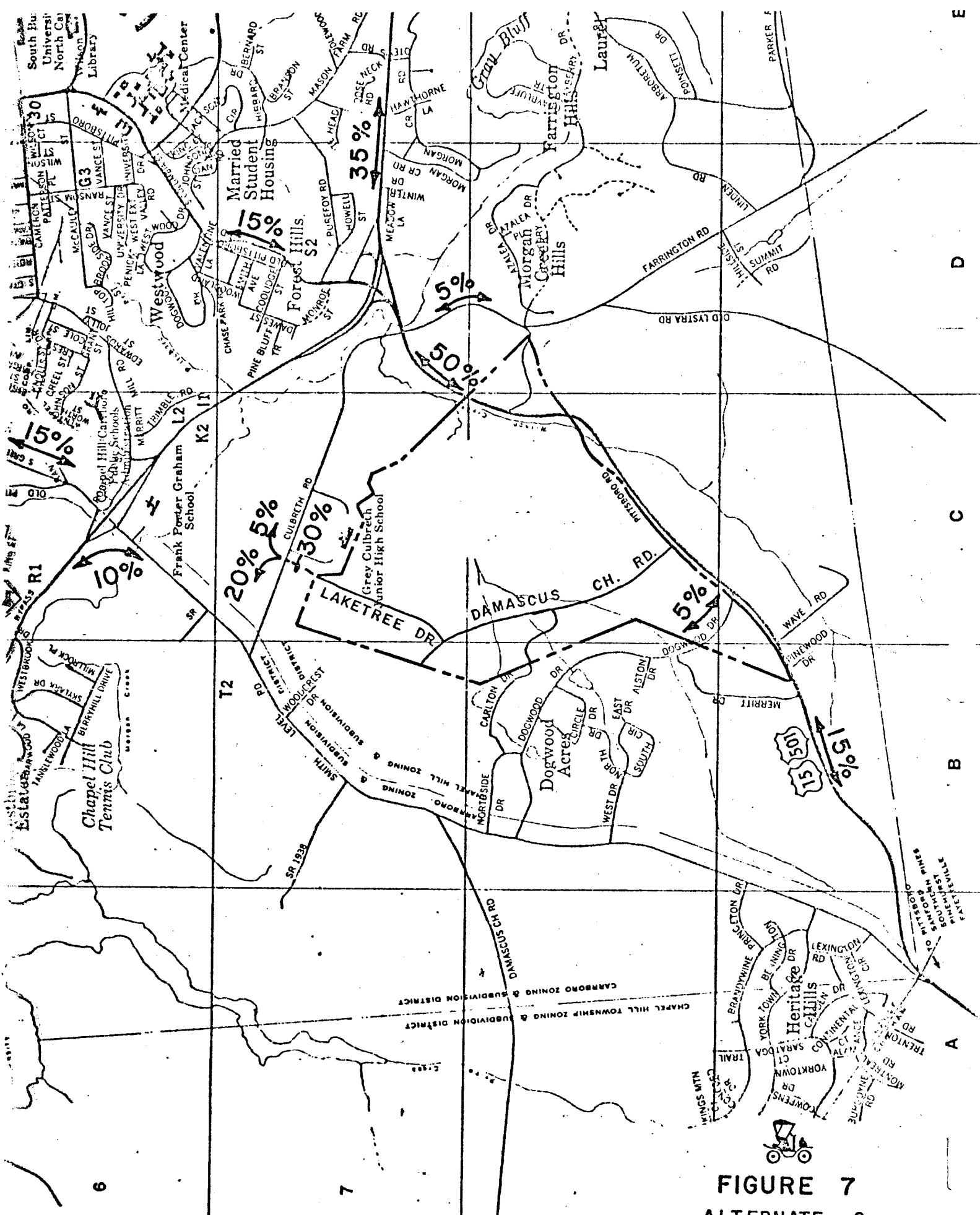
FIGURE 4  
 CHAPEL HILL  
 CARRBORO  
 POSSIBLE  
 THROUGHFARE  
 PLAN



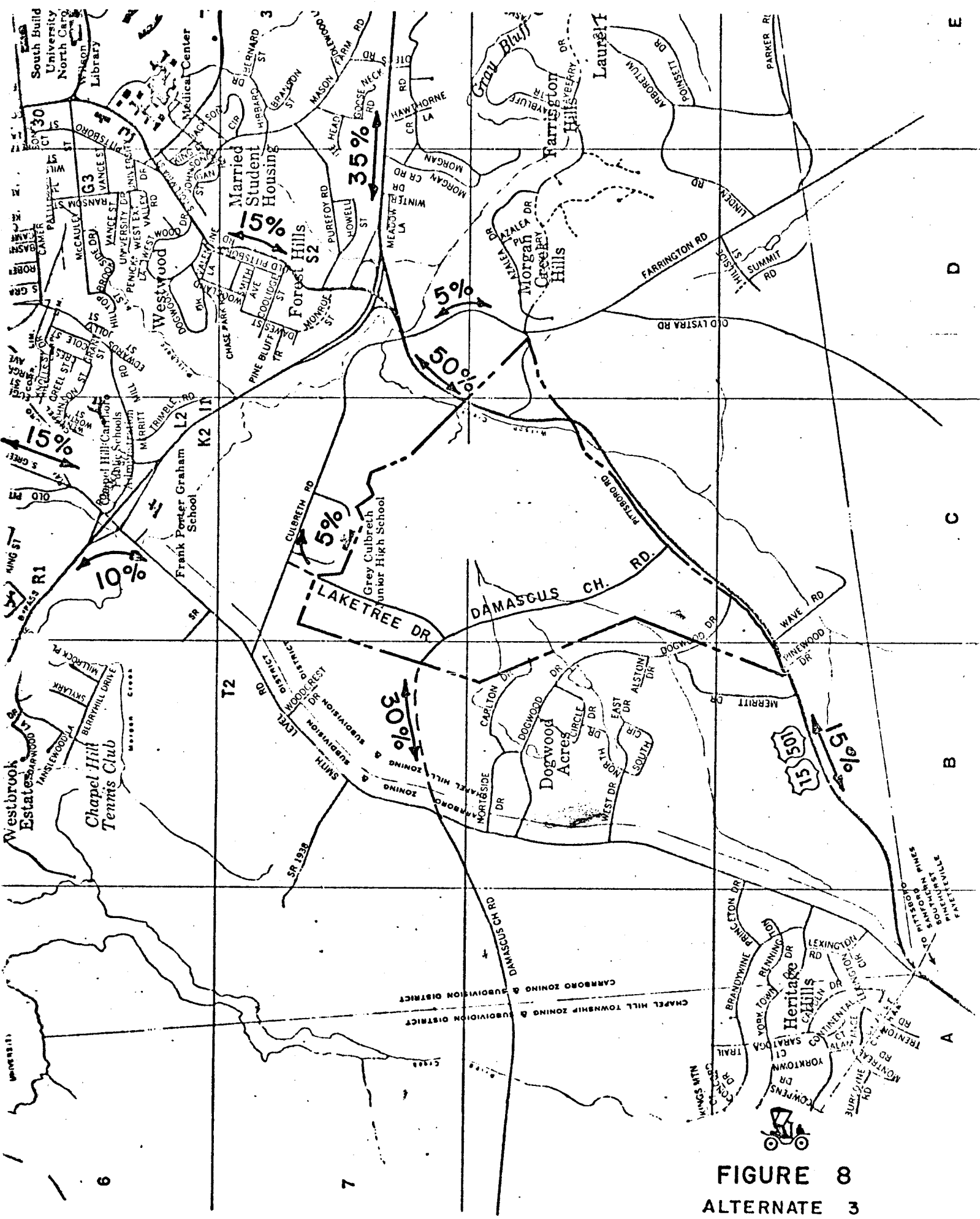




**FIGURE 6**  
**ALTERNATE I**  
**TRAFFIC DISTRIBUTION**



**FIGURE 7**  
**ALTERNATE 2**  
**TRAFFIC DISTRIBUTION**



**FIGURE 8**  
**ALTERNATE 3**  
**TRAFFIC DISTRIBUTION**

### TRAFFIC VOLUME IMPACT

The traffic volumes that might be generated by the fully developed land for each alternate street system were computed and assigned to the areas street system by methods and techniques acceptable to the N. C. Department of Transportation for transportation planning. The assigned generated volumes and the existing 1975 ADT volumes were combined to indicate the total volume on each street segment with full development of the subdivision. Assignments were made for each of the three alternative street patterns and are shown in Figures 9, 10, and 11.

#### Impact of Alternate 1

Alternate 1 provides access from US 15-501 Pittsboro Road only. The greatest traffic impact on Pittsboro Road therefore occurs with this Alternate. The volumes on Pittsboro Road at the northern property boundary increases from 7,900 ADT to 17,300 ADT. Between the Culbreth Road-Farrington Road intersection and the US 15-501-54 Bypass interchange ramps the traffic might increase from 10,900 ADT to 19,600 ADT. The range of projected traffic volumes on Pittsboro Road in the vicinity of the development are estimated at from 9,500 to 17,300 ADT.

Because of the lack of connecting streets to the west, the existing streets of Dogwood Drive and Carlton Drive would be used for access to the development from the west. These streets are exclusive residential streets but the existing volumes will be increased from 700 to 2,100 ADT on the streets. Such volumes are undesirable on these residential streets.

Lack of westerly access can also cause an increase in traffic volumes on the Bypass section between the Smith Level Road interchange and the Pittsboro Road interchange. This traffic would leave the Bypass and utilize the Pittsboro Road interchange and Pittsboro Road for access to the development. This flow characteristic can increase the volumes on the ramps serving this traffic movement from 1,700 ADT to 2,700 ADT on each ramp.

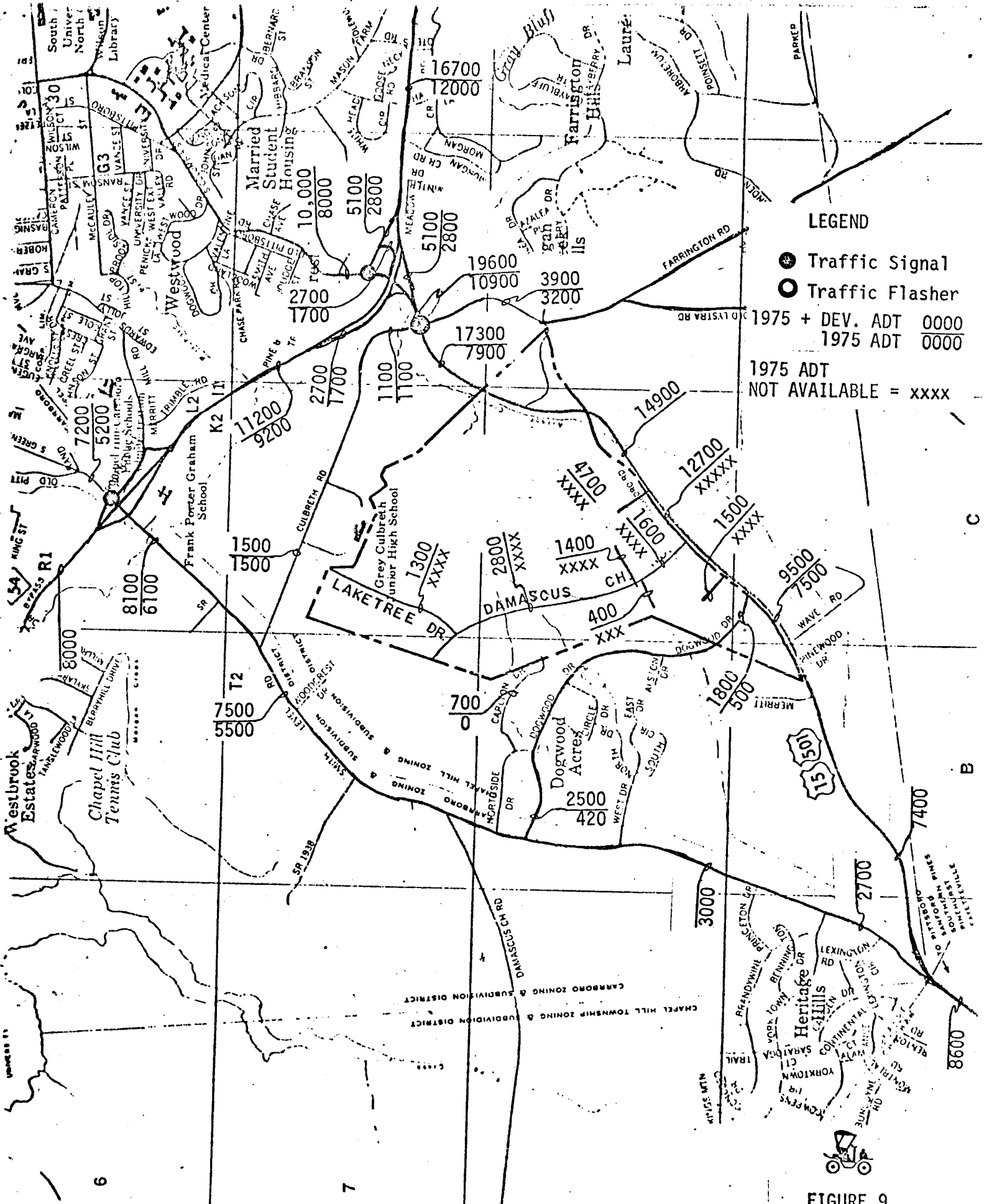
All other impacts are equivalent with the other alternates.

#### Impact of Alternate 2

Alternate 2 provides access to the development from Pittsboro Road and from a proposed extension of Laketree Drive to Culbreth Road. This Laketree Drive extension provides a connector which would be used by traffic from the west. With this connector the maximum traffic volume on Pittsboro is 17,600 ADT and occurs between the Culbreth Road-Farrington Road intersection and the Bypass interchange ramps. The range of volumes on Pittsboro Road in the vicinity of the development is 9,500 ADT to 14,400 ADT.

With the Laketree Drive connector traffic volumes on Dogwood Drive might increase a maximum of 700 ADT. The increase in traffic on Carlton Drive will be insignificant.

With the extension of Laketree Drive to Culbreth Drive, traffic volumes on Laketree Drive were estimated at 4,500 ADT, a volume much too high for a residential street serving the type of residences the developer proposes for that area.



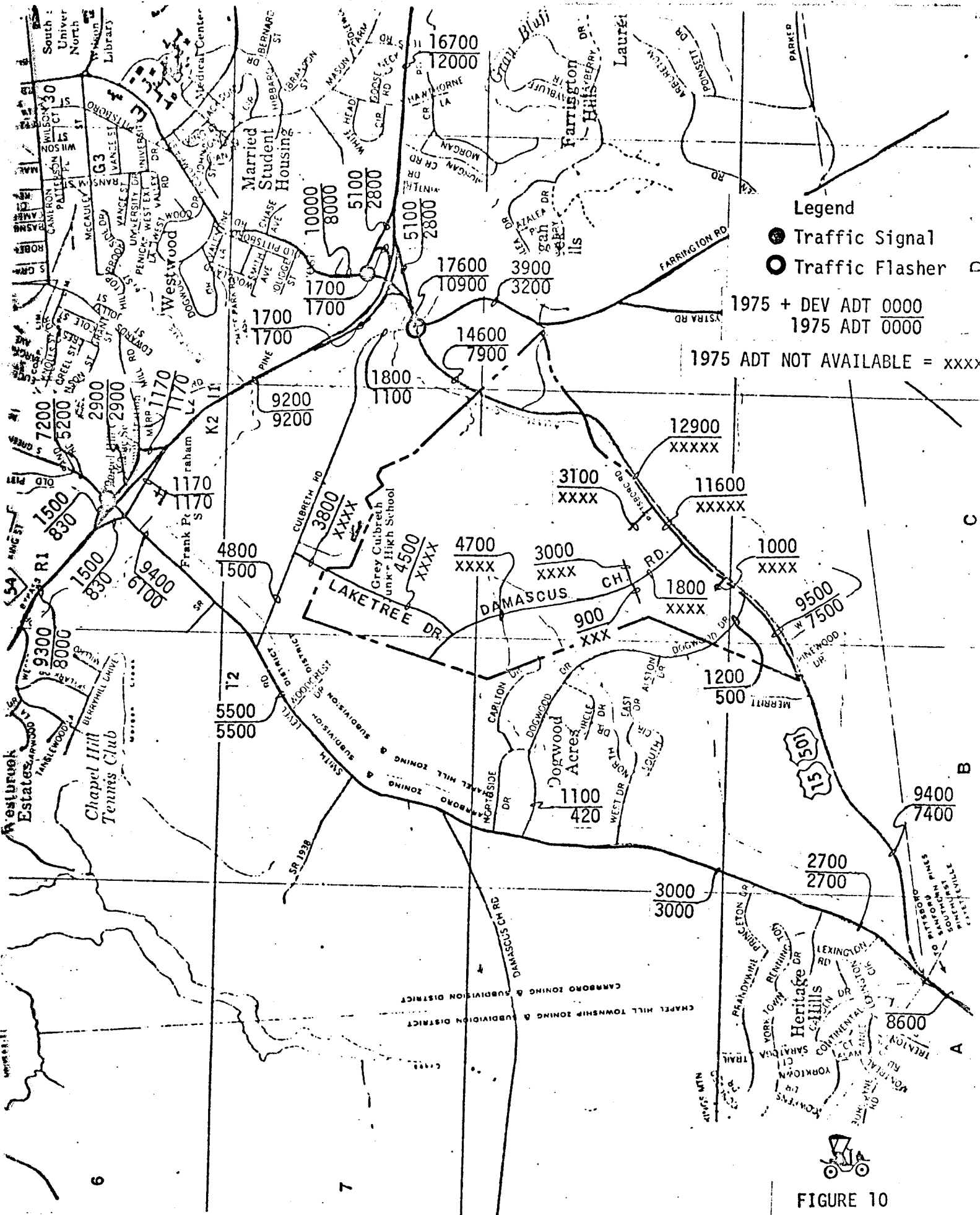
**LEGEND**

- ★ Traffic Signal
- Traffic Flasher

1975 + DEV. ADT 0000  
 1975 ADT 0000

1975 ADT  
 NOT AVAILABLE = XXXX

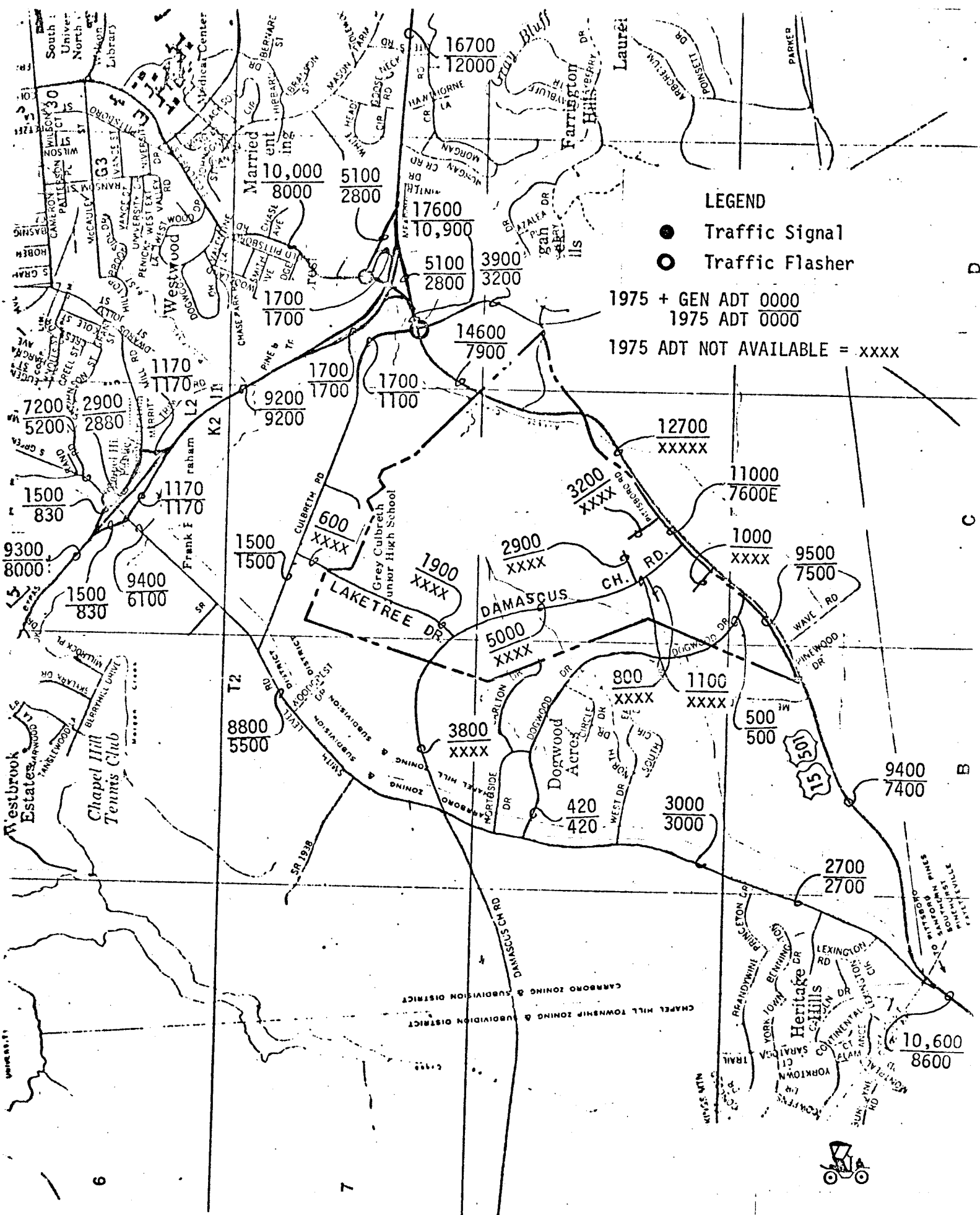
**FIGURE 9**  
**ALTERNATE 1**  
**TRAFFIC VOLUME**  
**IMPACT**



Legend  
 ● Traffic Signal  
 ○ Traffic Flasher

1975 + DEV ADT 0000  
 1975 ADT 0000  
 1975 ADT NOT AVAILABLE = xxxx

FIGURE 10  
 ALTERNATE 2  
 TRAFFIC VOLUME  
 IMPACT



**FIGURE 11**  
**ALTERNATE 3**  
**TRAFFIC VOLUME**  
**IMPACT**

6

7

The imposition of those volumes on Damascus Church Road is satisfactory since no fronting development occurs along Damascus Church Road.

The construction of the Laketree Drive extension is estimated to cause increases in the traffic volumes at the Smith Level Road interchange at the Bypass. The traffic volumes on the ramps serving the west direction of traffic will increase from 800 ADT to 1,500 ADT on each ramp. Also the volumes on Smith Level Road between Culbreth Road and the interchange are estimated to increase from 6,100 ADT to 9,400 ADT with 1,400 vehicles per day of that increase being due to the construction of the Laketree Drive to Culbreth Road connector.

In turn no significant increase in the existing traffic volume is estimated to occur on the west ramps of the Pittsboro Road-Bypass interchange with the construction of the connector.

All other impacts are equivalent with other alternates.

#### Impact of Alternate 3

Alternate 3 provides the extension of Laketree Drive to Culbreth Road plus the extension of Damascus Church Road west to Smith Level Road. Damascus Church Road is a proposed major thoroughfare in the proposed Chapel Hill-Carrboro Thoroughfare Plan. With the Damascus Church Road extension, traffic volume increases on Dogwood Drive due to the development will be insignificant. Also the projected traffic volumes on Laketree Drive will range from 600 ADT to 1,900 ADT, a reasonable traffic volume for a residential street of the type.

Traffic on Damascus Church Road extension was estimated at 3,800 ADT at Smith Level Road. This volume increases to 5,000 ADT inside the development. These volumes are generated by the development only and do not include through volumes which would be introduced by the completion of the Thoroughfare Plan system of streets.

Smith Level Road between the intersection of Damascus Church Road extension and the Bypass interchange will increase 3,300 vehicles per day. The range of traffic volumes on this section of Smith Level Road were estimated at from 8,800 ADT to 9,400 ADT.

All other impacts are equivalent with other alternates.

#### Impacts Common to All Alternates

Traffic volume impacts which would be caused with any of the alternates studied, occur at the Pittsboro Road-Bypass interchange, and along Pittsboro Road from the Culbreth Road-Farrington Road intersection to the southern property boundary of the development.

Pittsboro Road Interchange: The eastern ramps of the interchange are estimated to increase in volume from 2,800 ADT to 5,100 ADT. This volume increase, in combination with the increases in volume on Pittsboro Road through the interchange will necessitate some improvements in the interchange or to the present ramp intersections on the north of the interchange. If Alternate 1 is chosen, it will



be necessary to widen Pittsboro Road through the interchange area and to install traffic signals at the off-ramp intersections with Pittsboro Road. If alternates 2 or 3 are selected, added lanes may be required on the ramps. Signalization may be required with alternates 2 and 3 for safety purposes.

Pittsboro Road: Pittsboro Road from the Culbreth Road-Farrington Road intersection southward to the development will be carrying traffic volumes in all alternates which would be at operating capacity at 30 mph without any traffic signal controls. Should traffic signals be required at the Culbreth Road-Farrington Road intersection (likely) or at any point of access to the development, severe congestion would occur on the existing pavement widths. None of the alternatives provide low enough volumes on Pittsboro Road to eliminate the need for the widening of the existing pavement if the installation of traffic signals is required.

### ACCESS TO COMMERCIAL PROPERTIES

An analysis was made of the proposed access to the development from Pittsboro Road. Of particular concern was the access to the shopping center and the effect the access points would have on traffic operations on Pittsboro Road. According to plans provided by the Town of Chapel Hill a major access point is provided to the shopping center on Pittsboro Road 400 feet north of the proposed intersection of Pittsboro Road and Damascus Church Road. Pittsboro Road is a major radial street and traffic operating efficiency should be maximized along its length. The existence of a full access point allowing left and right turns 400 feet from a major intersection is not desirable. Since the predominant traffic service is from the north, outbound left turns from the driveway will create hazards with the high volume of traffic on Pittsboro Road unless traffic signal protection is installed. The installation of a signal 400 feet from a major intersection destroys possible two-way progressively timed traffic signal control on the street. To reduce or eliminate the need for a traffic signal at the shopping center driveway on Pittsboro Road, it would be desirable to reconstruct Pittsboro Road with a barrier type median from north of Hunting Ridge Road to Dogwood Drive. Right turn access into and out of the driveway can be retained. However, it would be most desirable to provide, in addition to four lanes on Pittsboro Road, an acceleration-deceleration lane adjacent to the commercial and office properties. Exit movements from the shopping center should be directed to Damascus Church Road as far west of the Pittsboro Road intersection as possible. This adjustment in access may require redesign of the internal circulation of the shopping center.

The access to the office park should be treated similar to the shopping center, allowing right turns only to and from Pittsboro Road. Internal circulation redesign of the office park may be necessary to accomplish the access change efficiently.

The concentration of the office park and shopping center traffic onto Damascus Church Road might create sufficient volumes on Damascus Church Road to warrant the installation of a traffic signal at the Pittsboro Road intersection for efficient traffic movement. The location of a signal at the Damascus Church Road-Pittsboro Road intersection is a signal location which efficiently fits a possible 30 mph progressively timed signal system on Pittsboro Road.

If signalization is anticipated at the Pittsboro Road-Damascus Church Road intersection, Pittsboro Road at the intersection should have a basic pavement cross section of 4 lanes to meet the capacity needs of the projected traffic volumes with signalization. A left turn lane should also be provided on the south approach of Pittsboro Road. Sufficient median width should be provided in the 4 lane cross section to provide a left turn lane to the east from the north approach of Pittsboro Road.

Damascus Church Road is shown on the plan provided by the Town of Chapel Hill to have a proposed 90 foot right-of-way with 36 feet of pavement located in the center of the right-of-way. Heavy left turns from Damascus Church Road to the north on Pittsboro Road, upon completion of the Thoroughfare Plan street



system will likely require double left turn lanes on the west approach of Damascus Church Road. The 90 foot right-of-way proposed by the developer will be inadequate to contain the extra street width required for the left turn lanes. A minimum right-of-way of 105 feet should be obtained on Damascus Church Road from Pittsboro Road westerly to the end of the shopping center tract, approximately 800 feet. Future thoroughfare plan volumes will require a basic 4 lane pavement cross section throughout the length of Damascus Church Road. Thought should be given to providing an initial pavement that can be widened economically without expensive reinstallation of curb and gutter, and the revision of stormdrains.

If Alternate 2 is selected for construction, Laketree Drive should have a 36 foot pavement (40 feet back to back of curbs) because of the volume of traffic projected to use the street. The intersection of Laketree Drive at Damascus Church Road should be given temporary design consideration to facilitate the large turning movement anticipated at the intersection.

PITTSBORO ROAD-US 15-501 BYPASS INTERCHANGE IMPACT

The most severe impact of additional traffic is anticipated to occur at the Pittsboro Road interchange with the US 15-501 Bypass. This impact problem includes the intersection of Pittsboro Road and Culbreth Road-Farrington Road. The problem created would be most severe with Alternate 1, but correction should be considered with any alternate. The corrections needed in the area are complex and would require an engineering study to develop a best solution. It would be necessary, in any case, to widen Pittsboro Road to an ultimate of 5 lanes through the interchange and through the intersection of Culbreth Road-Farrington Road. This improvement would probably be part of an improvement to the US 15-501 Bypass itself. Such an improvement is not programmed in the "North Carolina Highway Improvement Program 1975-1982." Lesser degree of improvements could possibly be made to suffice during interim stages.

Mayor Wallace asked for questions from the audience. Ms. Carol Wallace inquired whether the impact of the development traffic on South Columbia Street had been considered. Mr. Horn answered that South Columbia from the medical center to the interchange would receive the greatest impact of the development. Mr. Paul Harrison asked if the number of lanes for this section would need to be increased. Mr. Horn stated the existing road could accommodate the increase in traffic, however, the signal at the ramp would be a problem. Alderman Cohen asked for the maximum capacity of a two-lane road. Mr. Horn said that although it could carry more, for safety only 10,000 to 12,000 vehicles should be accommodated.

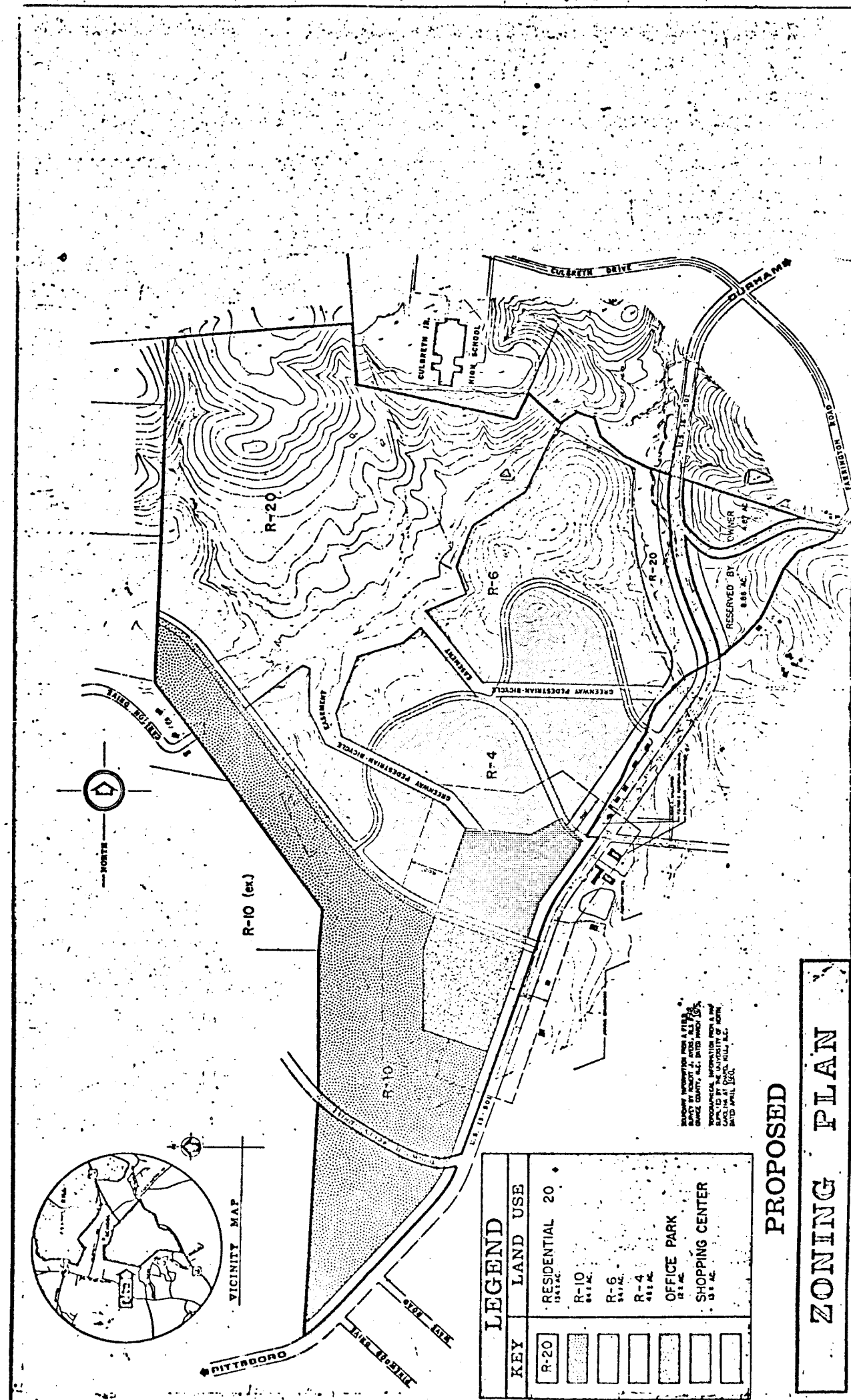
Mayor Wallace then introduced the applicant for his presentation. Mr. E. T. Anderson (sworn) announced he was one of the designers for the project and would be speaking for the owners, S. Rodin and G. Groten. Mr. Anderson explained the development was a long range plan coordinated to grow with the town. It was to be built over a period of ten years. The traffic analysis presented had been for the development at full growth. The program is to be an open-space residential area with supportive facilities. The development will be divided into three communities, a residential community, an attached community of residential nature, and an area of non-residential use. Mr. Anderson submitted a statement of justification for the proposed Laketree community, a 19-page document, and asked that it be included in the record.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

A statement of justification for the proposed Laketree community on U.S. 15/501 South, Chapel Hill, North Carolina.

June 11, 1976

Laketree Community, Chapel Hill, North Carolina



| KEY  | LAND USE                    |
|------|-----------------------------|
| R-20 | RESIDENTIAL 20<br>13.41 AC. |
|      | R-10<br>6.70 AC.            |
|      | R-6<br>3.35 AC.             |
|      | R-4<br>1.68 AC.             |
|      | OFFICE PARK<br>0.84 AC.     |
|      | SHOPPING CENTER<br>0.84 AC. |

**PROPOSED**

**ZONING PLAN**

**SITE DATA**

PROPERTY OF  
**S. RODIN & G. GROTEN**  
P. O. BOX 429  
CHAPEL HILL N. C.

**LAKE TRE**  
CHAPEL HILL N. C.

MOORE, GARDNER & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
CARY, N. C.  
JUNE 9, 1976

Alpha  
Design  
Group  
PLANNING/DESIGNING  
JEP  
5 of 9

0 100 200 300 400 500 600 700 800 900 1000

BOUNDARY INFORMATION FROM A SURVEY BY ROBERT J. JONES, S.E., DATED MARCH 1974. TOPOGRAPHICAL INFORMATION FROM A SURVEY BY THE UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, N.C., DATED APRIL 1950.

REQUEST:

S. Rodin and G. Groten hereby respectfully request plan-approval of the proposed Laketree community, to be located as shown on the plans and documents submitted with the applications. This sub-community is planned for a 387-acre tract of land now owned by Eben Merritt and under contract to be sold to the applicants.

S. Rodin is now negotiating for a residence in Chapel Hill to be near the project. A permanent residence will be constructed within the community when time allows.

BACKGROUND:

The site, located approximately one mile south of Chapel Hill, is bordered by Culbreth Junior High School on the north, U.S. Highway 15/501 on the southeast and the Dogwood Acres and Carlton Acres sub-divisions on the west. The site is undeveloped and is approximately three-quarters in tree cover. Portions of it have been logged in recent years.

The 387-acre site is presently zoned agricultural except for R-20 and suburban commercial strip zoning along U.S. Highway 15/501 and Dogwood Acres Drive (see sheet #4).

The site will have a 31-acre lake as its main feature (see sheet #1, The Master Plan). This lake will fall completely within the confines of the property. This enables control of the shoreline and a large portion of the run-off that enters the lake. A greenway/pedestrian access strip a minimum of 30' in width will completely encircle the lake. This allows free community access and circulation as well as prohibiting the construction of private docks, etc. making the shoreline natural and attractive. Water quality is addressed in the engineering report to be submitted with this statement.

A sewage treatment plant with "add-on" capabilities will be located on a lower portion of the property to serve the entire community. Capacity can be increased as necessary to accept sewage generated off the property in the same watershed. The lake and the sewage treatment plant will be constructed in the beginning of the first phase.



(3)

There are two single-family residential sections of the Laketree community, Laketree Hills and Laketree Acres. The Laketree Hills section, in the northwest corner of the property, borders on one side of the proposed lake. It will be part of the first phase. This area has an average lot size of 38,000 square feet. The Laketree Acres section has smaller lots, around 15,000 square feet which is contiguous with Dogwood Acres and Carlton Acres. All existing road stubs have been joined and two new ones incorporated into the layout.

As part of the Chapel Hill Thoroughfare Plan, Damascus Church Road has been included as part of the overall plans. Its intersection with U.S. 15/501 has been identified as a future commercial node by the Planning Board.

Laketree has incorporated this as part of the plan with a proposed office park on the southwest corner and a neighborhood shopping center on the northwest corner. These two areas are described in detail in separate statements of justification.

Directly behind the proposed shopping center is an area designated as multi-family. Condominium and townhouse units will occupy the R-6 area (see Proposed Zoning, sheet #5). Garden and townhouse apartment clusters will occupy the R-4 area. Both of these sections will be divided up by R-20 zoning strips 100' wide to prevent the encroachment of multi-family dwelling units and allow pedestrian and bicycle circulation to the lake, between the clusters. Note that one of these easements leads into the mini-mall of the proposed shopping center.

34

(4)

Laketree is large enough to be a complete and balanced sub-community. It offers a diversity of housing types and supportive community facilities. The 31-acre lake and additional 7.8 acres of greenway more than satisfy the necessary open space requirements.

At present, U.S. 15/501 has a 100' right-of-way. However, the plans respect a proposed 250' right-of-way along the entire portion of the property adjacent to the highway.

Dogwood Acres Drive will be realigned where it connects with U.S. 15/501 to make it a safer intersection. An un-named dirt road in the eastern portion of the property will be realigned at the intersection with U.S. 15/501 as well.

Culbreth Junior High School provides the following recreational facilities: separate baseball and football fields, four basketball hoops, plus numerous open spaces for free play.

The applicant concurs with the land-use policy statement adopted by Chapel Hill. Every effort has been made to comply with it.

(5)

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN:

This statement contains substantial evidence which together with additional evidence to be presented at the public hearing will permit the Board of Aldermen to find that the special uses applied for (1) will not materially endanger the public health or safety, (2) meet all required conditions and specifications, (3) will not substantially injure the value of adjoining or abutting property, and (4) will be in harmony with the area in which they are to be located and in general conformity with the plan of development of Chapel Hill and its environs.

THE USE WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY:

1. Traffic

The requirements of the Chapel Hill Thoroughfare Plan have been incorporated into the overall plan with the inclusion of Damascus Church Road.

A traffic report on conditions in the vicinity of the site, including the effect of additional traffic on U.S. 15/501 and the proposed street intersection with Damascus Church Road and Dogwood Acres Drive, and site lines at street intersections and curb cuts is included at the end of this statement.

2. Sewer System

An engineering report by Moore, Gardner & Associates detailing the phasing and plan of operation for the private sewage system, specifications for the dam and lake, and effect of effluent on Morgan Creek is also included at the end of this statement.

3. Water, Electricity and Telephone

A letter from Mr. Grey Culbreth stating that The University of North Carolina can furnish these utilities will be included with this statement.

4. Garbage

When appropriate, the applicants will formally request that the area be annexed by the Town of Chapel Hill. In the interim period, garbage services will be privately contracted with a company (ies) that provide equipment compatible with the equipment used by the Town of Chapel Hill.

(7)

#### 5. Fire

Until annexation, and/or the proposed No. 5 Fire Station is built within the community, fire protection will be provided by the North Chatham Volunteer Fire Department. Carrboro proposes a new station to be built on Jones Ferry Road at the Highway 54 Bypass within the next two years. This new station would enable the extension of the South Orange Fire District to encompass the entire Laketree community. Another option for initial development protection would be to enter into contract with Carrboro as necessary.

#### 6. Phasing

Phasing will be stretched over a period of approximately eight years. As mentioned in the Background section, the project will begin with the construction of the dam for the lake and the sewage treatment plant. Laketree Hills will be the first single-family area available. One building in the Office Park will also be constructed at this time. Phasing from this point on will depend on the economic availability of utilities.

#### 7. Soil Erosion

Soil erosion and sedimentation control plans will conform to local codes and existing ordinances in Orange County and the State of North Carolina.

#### 8. Flood Plain

The 100-year flood plain of Wilson Creek is defined on the engineering drawings. The 100-year flood plain has also been defined for the branches supplying the proposed lake. No development occurs in these areas.

(8)

THE USES AS PROPOSED MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS:

The uses proposed meet all required conditions and specifications under ordinances of the Town of Chapel Hill and all applicable laws of the State of North Carolina.

All proposed rights-of-ways are 60' wide. Damascus Church Road, a part of the Thoroughfare Plan, has a 90' right-of-way. The grade on Damascus Church Road does not exceed five percent (5%); other streets do not exceed eight percent (8%). Curb radii are twenty (20) feet. No cul-de-sac exceeds four hundred (400) feet in length, and all terminate with a radius of fifty (50) feet. Street names were selected with respect to the Town roster to avoid duplication and similarities.

Damascus Church Road is free of private access drives; this explains the double frontage that occurs in one area.

All lots exceed the minimum width and area requirements for their proposed zoning districts.

All utilities will be addressed in a supplementary statement by Moore, Gardner & Associates.

The community is in compliance with the Chapel Hill Greenway Plan.

(9)

THE USES WILL NOT SUBSTANTIALLY INJURE THE VALUES OF ADJOINING OR ABUTTING PROPERTIES:

The overall plan for development of the entire 387-acre tract has been carefully devised to provide a "fine grain mix of housing types with a high degree of opportunity for pedestrian movement"\* to shopping and office areas and at the same time to place along the perimeters of the tract residential areas similar in type to those that exist immediately outside those perimeters. The applicants sincerely believe that the proposed uses will enhance the values of surrounding properties. Evidence to substantiate this finding will be introduced at the public hearing.

\* Quote from Land Use Policy, Town of Chapel Hill, on file in Planning Department

40  
(10)

THE LOCATIONS AND CHARACTERS OF THE USES WILL BE IN HARMONY WITH THE AREA AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT FOR CHAPEL HILL:

In recent years the Town of Chapel Hill and many of its citizens have devoted much time and effort to formulating planning objectives and goals for the area. The applicants respectfully submit that the proposed special uses, viewed against the overall plan for development of the entire 387-acre tract, fit neatly with the planning objectives and goals of the Town as recited in the report of PITCH and in the Land Use Policy of the Town of Chapel Hill.

The overall project of the applicants is the type of sub-community which includes the desired "diversity of housing types and supportive facilities such as schools, neighborhood commercial areas, recreation and open spaces." The Chapel Hill-Carrboro School Board has been informed of the applicants' plans and has invited the applicants to negotiate extension of a road through the Culbreth Junior High School grounds to Culbreth Drive. The neighborhood commercial and office facilities desired by the Town are the subject of these special use applications. Recreation and open space facilities are in large measure provided by the large lake which in addition, to its recreational and aesthetic values also provide a reservoir for water needed in dry seasons for operation of the private sewage system.



(11)

With the moratorium on extensions of the Chapel Hill Sewer System, this project affords the Chapel Hill community with a unique opportunity for healthy growth through careful planning. Only a sizeable project such as this one can economically justify a single large privately operated sewage plant and avoid a proliferation of septic tanks and small sewage systems.

The proposed Laketree community is a part of a plan incorporating a diversity of land uses -- a stated primary goal of the Town. It contains the "fine grain mix of housing types and cost levels" desired. The special-uses applied for do not expand commercial areas at the expense of residential areas and are a necessary ingredient of a pedestrian oriented sub-community. Conversely these uses provide neighborhood shopping facilities and offices that will improve not only the quality of the applicants' residential areas but other existing residential areas as well. Scant shopping facilities and professional offices south of Chapel Hill now require a large amount of automobile traffic into the center of town. This situation has caused the Watts Motel area to be designated as a future commercial node by the Town's Planning Board.

The applicants intend to seek annexation of this property to the Town and to cooperate with the Town in every reasonable way to make the project and its environs attractive and safe. This includes the offer of a site for a future fire station of U.S. 15/501.

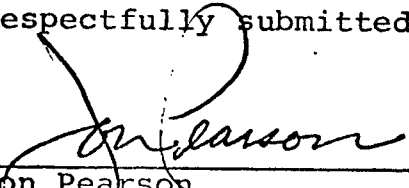
42

(12)

While the proposed Laketree community lies outside of the sphere of the University's potential growth and will not therefore subvert the goal of the Town in meeting the University's requirements, it, nevertheless, is close in proximity to the University and will relieve the shortage of housing close to campus. Its proximity relieves problems that might otherwise exist, e.g., utility extension, bus service, fire and police protection and garbage pick-up.

Laketree affords to the Town a rare (perhaps unique) opportunity to regulate the development of, and subsequently to annex, a genuine sub-community with the desired attributes described in the Town's Land Use Policy. This sub-community, when complete, would add 6.2 percent to the Town's existing land area. The applicants' are enthusiastic about their proposals, and look forward to working with the governing authorities of the Town in the planning and development of this community.

Respectfully submitted,

  
\_\_\_\_\_  
Jon Pearson  
ALPHA DESIGN GROUP,  
Agent for the Applicants

STATEMENT OF PLAN JUSTIFICATION  
 STREETS AND UTILITIES PLAN  
 LAKETREE  
 CHAPEL HILL, NORTH CAROLINA

The preliminary sketch plans for the streets and utilities of the proposed Laketree project were submitted under separate cover and are referred to for illustrating the following discussion.

The site of the proposed Laketree project comprises some 387 acres and is located near the southern limits of the Town of Chapel Hill. It lies south of Culbreth Drive and adjacent to the western margin of U.S. Highway 15-501.

Proposed development of the site, pending zoning adjustments, will consist of single family and multi-family residential units along with a shopping center and small office park. A 31-acre lake will be constructed as a recreational and aesthetic feature. It is the owner's intention to develop the property in stages - beginning, probably, with large single-family residential lots in the northwestern part of the property and a small office building of about 10,000 square feet in the proposed office park.

The preliminary engineering sketch plans submitted show proposed streets and utilities for the entire project. However, it is our suggestion that the streets and utilities be constructed only as needed to serve the developed stages of the project.

Specifically, since the cost of street construction is quite high, we believe that only those sections that directly provide access to the developed areas should be constructed initially or in Stage 1. These sections are: the easternmost 900 feet and the westernmost 500 feet of Damascus Church Road. This would provide access to the proposed office park and also would provide access to the Glen Snipes property on the west, across which Damascus Church Road must extend to connect with Smith Level Road; all of those streets serving the developed lots in the northwestern corner of the tract or "Laketree Hills"; of course, Laketree Drive should be constructed to connect with Culbreth Drive. The remaining section of Damascus Church Road and the other streets in the project would be developed in subsequent stages as needed.

The same general procedure is recommended for the utilities in that they might be constructed in stages to serve the developed areas. Storm drainage facilities should be constructed concurrently with the streets and the catch basins and yard inlets located as shown on the preliminary plans. Some pipe sizes have been indicated

on the plans and are based on approximate computation methods. Precise computations for the correct pipe sizes will be made at the time of preparing the final plans.

We suggest that the water distribution system for Stage 1 be constructed as shown in the Laketree Hills area on the preliminary plans. A 12-inch water line will tap the existing water main in Culbreth Drive and extend along the north edge of Laketree Drive and terminate temporarily on the west edge of Damascus Church Road. As a temporary water supply to the proposed office building (until water lines can be feasibly extended to the office park) we propose a private well be drilled. According to reports published by the U. S. Geological Survey, a yield of 10 to 15 gallons per minute can be reasonably expected from a well about 150 to 200 feet deep in this area.

The wastewater collection system should also be constructed in stages as the streets are constructed. It will be the most complex utility to be constructed for Stage 1 because it must be designed to carry the future loads to be imposed upon it and because the first phase of a tertiary waste treatment plant must be constructed to receive the waste from the collection system. The location of the lines and manholes are shown on the preliminary plans. The design is based on the existing topographic maps of the area, and likely some modifications will have to be made to adjust to actual field conditions.

The wastewater lines will be 8-inch I.D. vitrified clay pipe except where shallow depth or other conditions indicate the use of cast iron or truss pipe. The manholes will be of precast concrete with standard cast iron ring and cover according to the Chapel Hill standards.

Note that the preliminary plans show an eductor at the corner of lots 20 and 25 in the Laketree Hills section and at the wastewater treatment plant. These devices are to compensate for the flat natural grade along the lake shore and to lift the wastewater from the lines up to the intake of the treatment plant.

The wastewater line shown along the eastern edge of the proposed lake is intended as an outfall line to receive and convey wastewater from the multi-family housing areas and a part of the shopping center in the Hunting Ridge Road and Brookhaven Drive areas. A small lift station is indicated to convey the wastewater from the outfall across Fan Branch to the treatment plant.

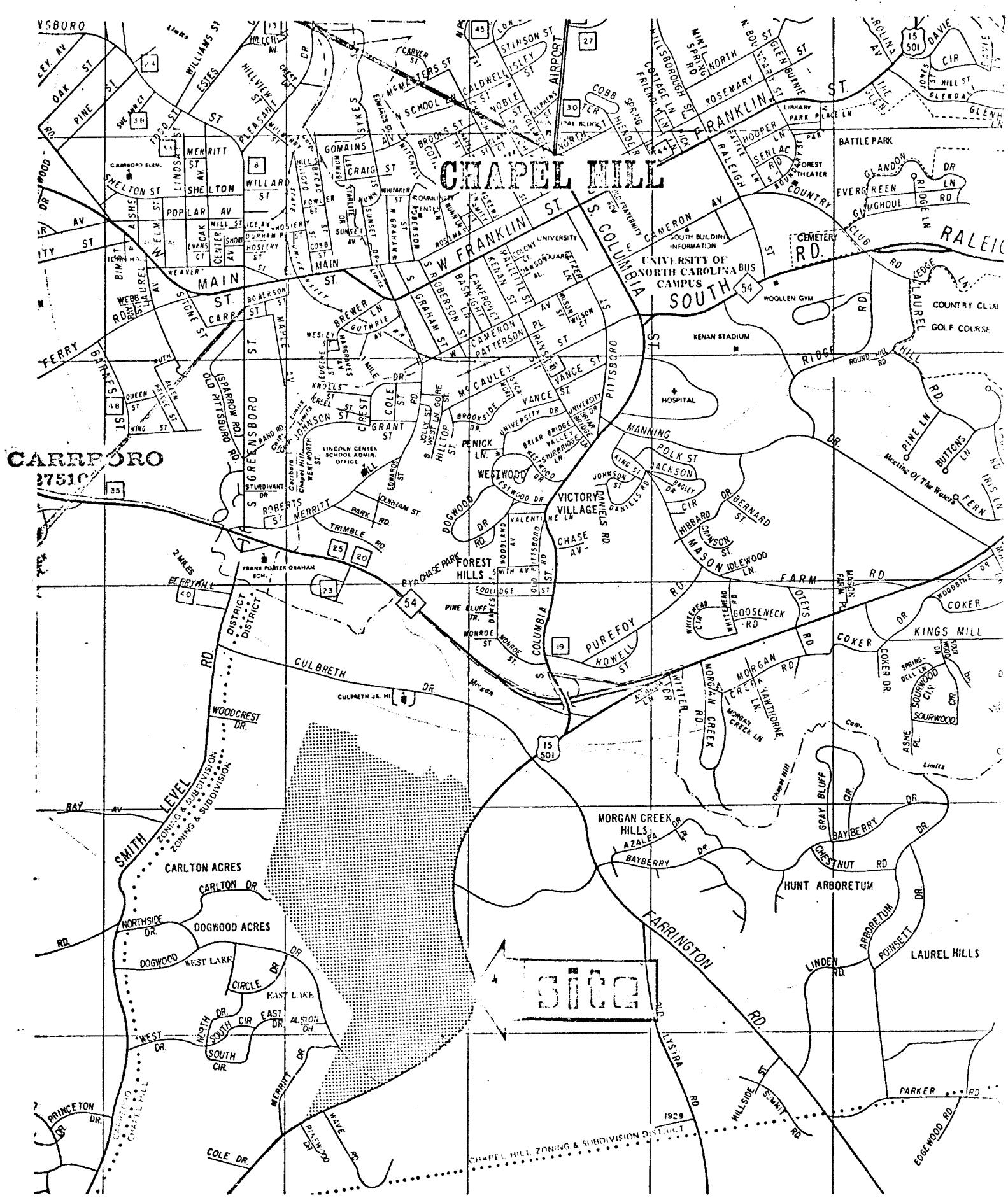
As a temporary measure, we suggest that the wastewater from the proposed office building be disposed of through a septic tank and nitrification field to be constructed according to the Chapel Hill and Orange County standards.

The proposed wastewater treatment plant will be as approved by the U. S. Environmental Protection Agency and the State of North Carolina. Tentative plans are to use the prefabricated plant designed and built by Environmental Contractors of Raleigh, N. C. The initial phase of the plant will provide tertiary treatment through extended aeration to 50,000 gpd (gallons per day) of wastewater. Subsequent modification will increase the capacity to 100,000 gpd and will provide the same degree of treatment through the contact stabilization process. Additional treatment units placed in parallel will increase the total plant capacity, as needed, to a maximum anticipated load of about 400,000 gpd. Discharge of the treated water will be into Fan Branch. The flow rate of Fan Branch may be supplemented by water from the 31-acre lake in times of natural low flow, if needed.

The proposed 31-acre lake will be constructed as shown within the limits of the existing topography. The normal pool elevation is planned to be 350 feet above mean sea level. The flood pool elevation will be 353 feet. An earth dam will be constructed to comply with the proposed N. C. dam safety law, and the emergency spillway will be designed to convey the maximum probable storm runoff as computed by the U. S. Soil Conservation Service.

It is the owner's intention to build and maintain the lake with the highest practical water quality. To achieve this end, the lake bed will be cleared and seeded concurrently with the dam construction. The lake will not be filled until a grass cover is established on the bed. The shoreline of the lake will be excavated as necessary to provide a minimum water depth of 3 feet at normal pool level. This will protect against algae growth and mosquito breeding. At the mouths of the streams flowing into the lake, sediment-control basins will be built to protect the lake from siltation. The sources of water for the lake are local springs, Fan Branch and a small tributary of Fan Branch. These sources are not presently polluted, and no significant problems with septic tanks or agricultural wastes are known to exist in the upstream areas. Therefore, it is anticipated that the quality of water in the lake will be acceptable for swimming and boating.

On Fan Branch, downstream from the dam, the treated water from the waste treatment plant will be discharged. The discharge rate will be regulated by the N. C. Department of Natural and Economic Resources. Fan Branch joins Wilson Creek about 800 feet downstream from the discharge point, and about 1500 feet from their confluence, Wilson Creek joins Morgan Creek. Considering the high quality of the effluent from the treatment plant and the combined volume of flow of the three creeks, no noticeable change in the water quality of Morgan Creek is expected.



Location Map

DESIGN TEAM

Architectural

Alpha Design Group  
Post Office Box 12525  
Raleigh, North Carolina 27605  
Telephone: (919) 833-3631

Engineering

Edwin O. Floyd  
Moore-Gardner & Associates  
Post Office Box 517  
Cary, North Carolina 27511  
Telephone: (919) 467-9913

Legal

Midgett and Page  
Post Office Box 429  
Chapel Hill, North Carolina 27514  
Telephone: (919) 942-4161

Real Estate

Hengeveld-Robbins  
1503 East Frankin Street  
Chapel Hill, North Carolina 27514  
Telephone: (919) 929-2186

The developer has worked with Chapel Hill to include in his plans the proposed thoroughfare plan and proposed road enlargements and extensions. The lake will be built for sedimentation purposes and soil erosion control. The state will monitor all work regarding erosion control during development. The lake will also serve for recreation and as a back-up system for the temporary sewage treatment plant. The zoning is broken up by pedestrian and bicycle easements and greenways causing clusters to retain a residential character. Mr. Anderson stated the designers had met with local agencies for fire protection, schools, electricity and water, and had worked with these agencies and the Planning Department and found that the developers had met all specifications and conditions required for the master plan.

The applicant has asked for an extension of the R-10 area to avoid spot zoning. This will be developed into lots of approximately 15,000 square feet. With all community improvements. The street pattern is designed in a curvilinear pattern to fit the topography. Green spaces have been reserved for total community use. The two non-residential uses have been placed to reduce traffic flow of residents on the thoroughfare looking for community services. A neighborhood shopping center and office park have stepped buildings to reduce soil disturbance of the landscape are sheltered by a greenbelt to buffer residential areas. The development is designed to blend in with surrounding areas.





Mr. Anderson submitted a statement of justification for the Laketree office park for inclusion, and the same is hereby incorporated by reference, into the record.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

Application by S. Rodin and G. Groten for a special-use permit for an office park on U.S. Highway 15/501 South, Chapel Hill, North Carolina.

June 11, 1976

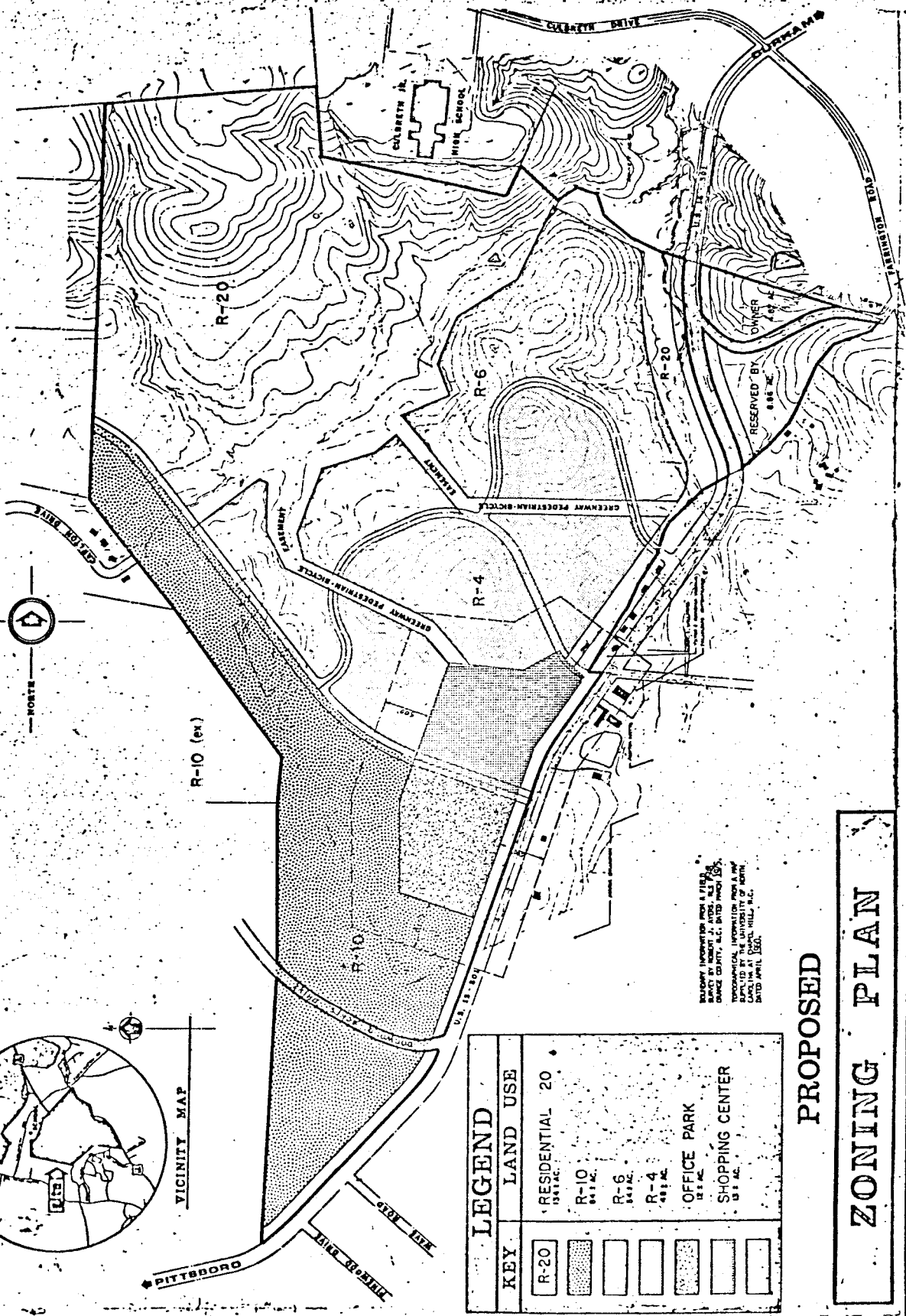
Attachment to application for special-use permit  
Laketree Office Park, U.S. Highway 15/501 South



VICINITY MAP



NORTH



| KEY                       | LAND USE                    |
|---------------------------|-----------------------------|
| R-20                      | RESIDENTIAL 20<br>15.81 AC. |
| [Stippled pattern]        | R-10<br>84.1 AC.            |
| [Horizontal line pattern] | R-6<br>34.02 AC.            |
| [Vertical line pattern]   | R-4<br>41.1 AC.             |
| [Dotted pattern]          | OFFICE PARK<br>12.1 AC.     |
| [White box]               | SHOPPING CENTER<br>13.1 AC. |

BOUNDARY INFORMATION FOR A FIELD SURVEY BY ROBERT J. ATTS, S.E., DATE 1/25/76. SURFACE ELEVATION, S.E.C. 1/25/76. 15.81 AC. INFORMATIONAL INFORMATION FROM A SURVEY BY CAROL W. H. GARDNER, S.E., DATE 1/25/76. 15.81 AC.

PROPOSED

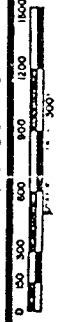
ZONING PLAN

SITE DATA

PROPERTY OF  
**S. RODIN & G. GROTEN**  
P.O. BOX 429  
CHAPEL HILL N. C.

CHAPEL HILL N. C.

LAKETREE



MOORE, GARDNER & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
CARY, N. C.  
JUNE 9, 1976

Alpha Design Group

REQUEST:

S. Rodin and G. Groten hereby request a special-use permit for an office park to be located as shown on the plans and documents submitted with the application. The special use sought is an integral part of an overall plan of development for a 387-acre tract of land now owned by Eben Merritt and under contract to be sold to the applicants. A statement of justification for a shopping center adjacent to the office park is also being submitted. Although the applicants desire that the special use applications be considered separately, they must necessarily be viewed in conjunction with each other and with the applicants' plans for development of the entire 387-acre tract. Therefore, this statement will contain evidence and information pertinent to both applications.

S. Rodin is now negotiating for a residence in Chapel Hill to be near the project. A permanent residence will be constructed within the community when time allows.

51

(2)

BACKGROUND:

The site for the office park can be located by measuring approximately 840' north of the center-lines of the intersections of U.S. Highway 15/501 and Dogwood Acres Drive. From that point continuing on Highway 15/501 for a frontage of 800' to the proposed intersection of Damascus Church Road. The site is approximately in the form of a square and is 700' deep. It is presently undeveloped and approximately half in tree cover.

The 12.8-acre site is currently zoned R-20 in a strip 250' back from U.S. 15/501. The remainder of the site is zoned agricultural. An office park is permitted under a special-use permit in any district (except industrial) including R-20 and agricultural, which is the case here.

The proposed office park fits the description "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." as described in the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas."

The majority of available office space is now centralized in the downtown area and in one company type of office buildings scattered throughout the urban area. There are few large concentrated office centers with proper parking and ancillary facilities.

The modern legitimate office space is now renting for approximately \$6.00 per square foot. Lessor pays utilities, taxes and provides janitorial service. Parking is adequate at one car

(3)

per 200 square feet, the interior of the building functional and the exterior cleanly designed. There exists at this time a demand for office space in Chapel Hill. This suggests that many lessees of the older less functional space would be receptive to office space offering modern amenities and a prestigious image.

It should be noted that directly to the north of the proposed office park, across the proposed Damascus Church Road, is a proposed shopping center to complete the commercial node.

The applicants concur with the land-use policy statement adopted by Chapel Hill. Every effort has been made to comply with it.

The office park will be called Laketree Office Park, making it a part of the Laketree community.

83  
(4)

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN:

This statement contains substantial evidence which together with additional evidence to be presented at the public hearing will permit the Board of Aldermen to find that the special uses applied for (1) will not materially endanger the public health or safety, (2) meet all required conditions and specifications, (3) will not substantially injure the value of adjoining or abutting property, and (4) will be in harmony with the area in which they are to be located and in general conformity with the plan of development of Chapel Hill and its environs.

(5)

THE USES WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY:

1. Traffic

The requirements of the Chapel Hill Thoroughfare Plan have been incorporated into the overall plan with the inclusion of Damascus Church Road. The proposed office park is located on the southwest corner of U.S. 15/501 and Damascus Church Road.

A traffic report on conditions in the vicinity of the office park including the effect of additional traffic on U.S. 15/501 and the proposed street intersection with Damascus Church Road and site lines at street intersections and curb cuts is included at the end of this statement.

2. Sewer System

An engineering report by Moore, Gardner & Associates detailing the phasing and plan of operation for the private sewage system, specifications for the dam and lake, and effect of effluent on Morgan Creek is also included at the end of this statement.

3. Water, Electricity and Telephone

A letter from Mr. Grey Culbreth stating that The University of North Carolina can furnish these utilities will be included with this statement.

4. Garbage

When appropriate, the applicants will formally request that the area be annexed by the Town of Chapel Hill. In the interim period, garbage services will be privately contracted with a company (ies) that provides equipment compatible with the equipment used by the Town of Chapel Hill.

5. Fire

Until annexation, and/or the proposed No. 5 Fire Station is built within the community, fire protection will be provided by the North Chatham Volunteer Fire Department. Carrboro proposes a new station to be built on Jones Ferry Road at the Highway 54 Bypass within the next two years. This new station would enable the extension of the South Orange Fire District to encompass the entire Laketree community. Another option for initial development protection would be to enter into contract with Carrboro as necessary.

6. Phasing

Initial construction to start within twelve months will be Building #2, a one-story building with 10,080 square feet (see sheet #8). Next will be Building #3. Building #1, a bank, will be built when leased. These will be followed with the construction of Buildings #4 and #5. The architectural style and character will be set with the construction of the first building and carried throughout the entire office park.

7. Soil Erosion

Soil erosion and sedimentation control plans will conform to local codes and existing ordinances in Orange County and the State of North Carolina.

8. Flood Plain

The site does not fall into the Chapel Hill Flood Plain, or any other flood plain.



(7)

9. General

The Laketree Office Park will serve the Laketree community of which it is a part. This sub-community concept reflects the land-use policy of Chapel Hill. Adequate parking has been provided. All parking areas and drives will be curb and gutter. Facilities will provide healthful, safe conditions for employees and patrons.

THE USES AS PROPOSED MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS:

The uses proposed meet all required conditions and specifications under ordinances of the Town of Chapel Hill and all applicable laws of the State of North Carolina.

The proposed office park will not be divided up into single one-acre lots. The entire park will remain under one ownership. One parking space for each two hundred square feet of enclosed floor area has been provided. The required number of spaces is 674; the proposed number of spaces is 678. All parking is provided in off-street lots. Offices front on the major U.S. highway with parking lots behind them. On Damascus Church Road, parking lots are screened sufficiently by large areas of existing vegetation. The entire office park was designed assuming the proposed 250' right-of-way for U.S. 15/501, instead of the existing 100' right-of-way. There are eight buildings with a total square footage of 132,000 square feet.

The drawings designated "Office Park", sheets #8, 8A and 8B, all show the property for which the special-use permit is requested with the location and size of the proposed buildings, easements, rights-of-way and open space.

The drawing entitled "Laketree, Proposed Zoning Plan" (sheet #5) shows the preliminary line five hundred feet from the surrounding property lines of the proposed office park and the names of property owners in said area. The same map shows the existing land uses, existing public streets, and rights-of-way within a one thousand foot radius of the office park.

(9)

The requested use as an office park complies with the height and yard regulations for the use district where it is located. The tallest building proposed will be three-stories or approximately 35'. The maximum allowable building height is 35'. The proposed yards comply with those set forth in Section 4-B.1.k. in the "Zoning Ordinance".

A thirty-foot wide greenway buffer surrounds the office park on the two sides of the "square" that are not bordered by U.S. 15/501 and Damascus Church Road. This will consist of a six foot evergreen hedge to screen and separate the office parking area from the proposed abutting residential property. In addition, a three foot evergreen hedge will be planted in front of the parking areas adjacent to U.S. 15/501 and Damascus Church Road. Facilities will provide healthful, safe conditions for employees and patrons.

(10)

THE USES WILL NOT SUBSTANTIALLY INJURE THE VALUES OF ADJOINING OR ABUTTING PROPERTIES:

Surrounding the location of the proposed special-use on three sides is other property of the applicants. The properties on the fourth side lie immediately across U.S. Highway 15/501 and consist primarily of undeveloped land and a commercial strip containing a motel and restaurant. The overall plan for development of the entire 387-acre tract has been carefully devised to provide a "fine grain mix of housing types with a high degree of opportunity for pedestrian movement"\* to shopping and office areas and at the same time to place along the perimeters of the tract residential areas similar in type to those that exist immediately outside those perimeters. The applicants sincerely believe that the proposed uses will enhance the values of surrounding properties. Evidence to substantiate this finding will be introduced at the public hearing.

\* Quote from Land Use Policy, Town of Chapel Hill, on file in Planning Department

60

(11)

THE LOCATIONS AND CHARACTERS OF THE USES WILL BE IN HARMONY WITH THE AREA AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL:

In recent years the Town of Chapel Hill and many of its citizens have devoted much time and effort to formulating planning objectives and goals for our area. The applicants respectfully submit that the proposed special-use, viewed against the overall plan for development of the entire 387-acre tract, fits neatly with the planning objectives and goals of the Town as recited in the report of PITCH and in the Land Use Policy of the Town of Chapel Hill.

The overall project of the applicants is the type of sub-community which includes the desired "diversity of housing types and supportive facilities," such as this neighborhood office park. The neighborhood office facilities desired by the Town are the subject of this special-use application.

With the moratorium on extensions of the Chapel Hill Sewer System, this project affords the Chapel Hill community with a unique opportunity for healthy growth through careful planning. Only a sizeable project such as this one can economically justify a single large privately operated sewage plant and avoid a proliferation of septic tanks and small sewage systems.

The special-use sought is a part of a plan incorporating a diversity of land uses -- a stated primary goal of the Town. It contains the "fine grain mix of housing types and cost levels" desired. The use applied for does not expand commercial areas at

61

(12)

the expense of residential areas and is a necessary ingredient of a pedestrian oriented sub-community. Conversely this use provides neighborhood offices that will improve not only the quality of the applicants' residential areas but other existing residential areas as well. The office park will compliment the commercial center serving the neighborhood. The intersection of U.S. 15/501 and the proposed outer loop road of the thoroughfare plan has been designated as a future commercial node by the Town's Planning Board.

The applicants intend to seek annexation of this property to the Town and to cooperate with the Town in every reasonable way to make the project and its environs attractive and safe. This includes the offer of a site for a future fire station on U.S. 15/501.

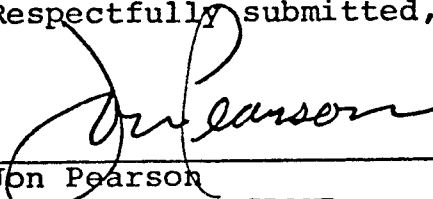
While the proposed Laketree community lies outside of the sphere of the University's potential growth and will not therefore subvert the goal of the Town in meeting the University's requirements, it, nevertheless, is close in proximity to the University and will relieve the shortage of housing close to campus. Its proximity relieves problems that might otherwise exist, e.g., utility extension, bus service, fire and police protection and garbage pick-up.

The special-use applied for in conjunction with the development of the entire tract affords to the Town a rare (perhaps unique) opportunity to regulate the development of, and subsequently to annex, a genuine sub-community with the desired attributes described in the Town's Land Use Policy. This sub-community, when

(13)

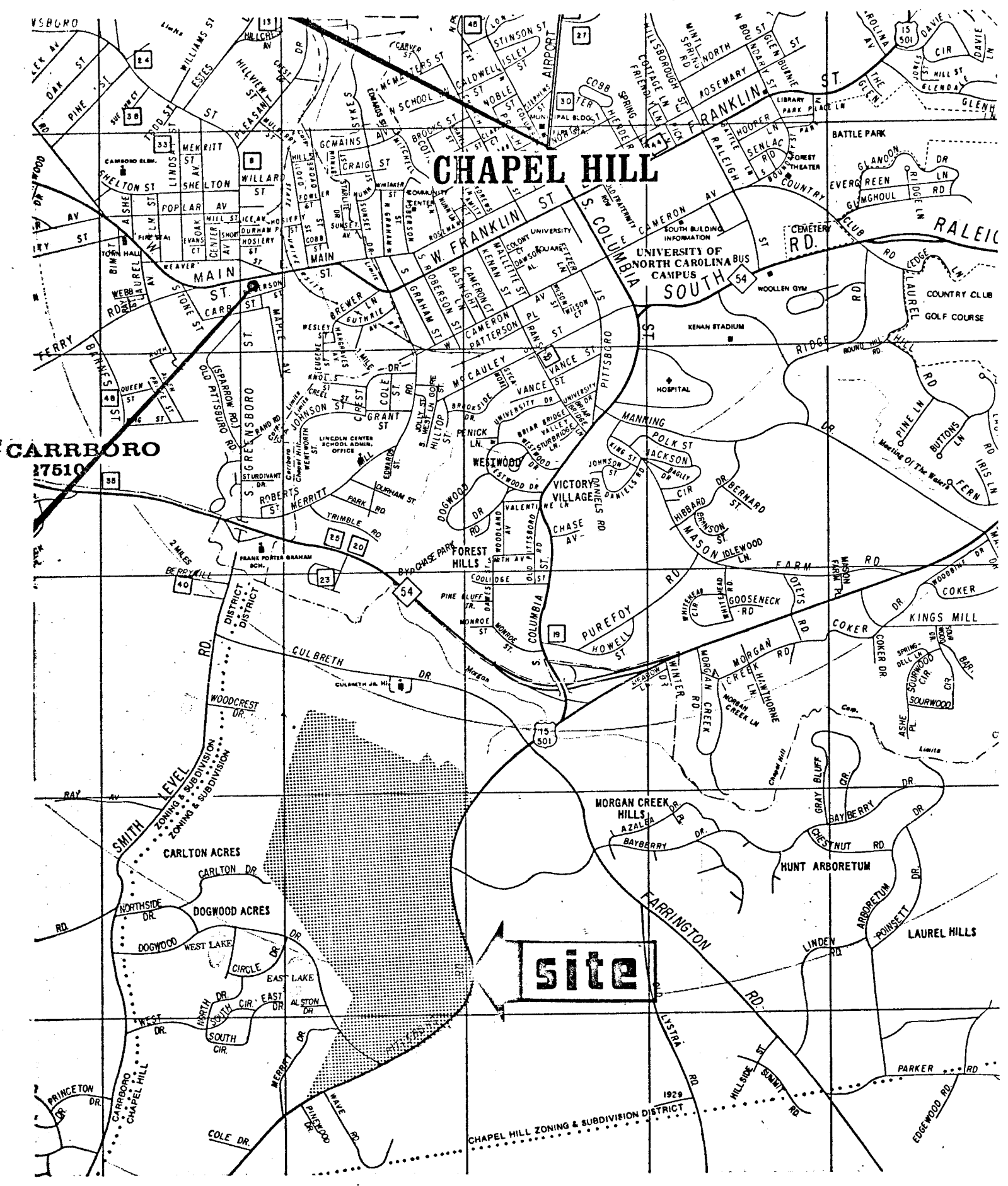
complete, would add 6.2 percent to the Town's existing land area. The applicants' are enthusiastic about their proposals, and look forward to working with the governing authorities of the Town in the planning and development of this community.

Respectfully submitted,



---

Jon Pearson  
ALPHA DESIGN GROUP,  
Agent for Applicants



**Location Map**



DESIGN TEAM

Architectural

Alpha Design Group  
Post Office Box 12525  
Raleigh, North Carolina 27605  
Telephone: (919) 833-3631

Engineering

Edwin O. Floyd  
Moore-Gardner & Associates  
Post Office Box 517  
Cary, North Carolina 27511  
Telephone: (919) 467-9913

Legal

Midgette and Page  
Post Office Box 429  
Chapel Hill, North Carolina 27514  
Telephone: (919) 942-4161

Real Estate

Hengeveld-Robbins  
1503 East Frankin Street  
Chapel Hill, North Carolina 27514  
Telephone: (919) 929-2186

The orientation of the office park will be on 15-501 and the extension of Damascus Church Road. The office park development will be phased, with the first building to be used as an on-site information center and library of all maps and documents for the development. Efforts have been made to control traffic flow and parking within the office park.

Mr. Anderson also submitted a statement of justification for a special use permit for a shopping center, and it is hereby incorporated into the record. The plan includes a community room for meetings and activities of the community. Space will be made available for park-n-ride facilities for the bus. The use of greenbelts and buffer zones has been tied to the pedestrian and bicycle easements.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

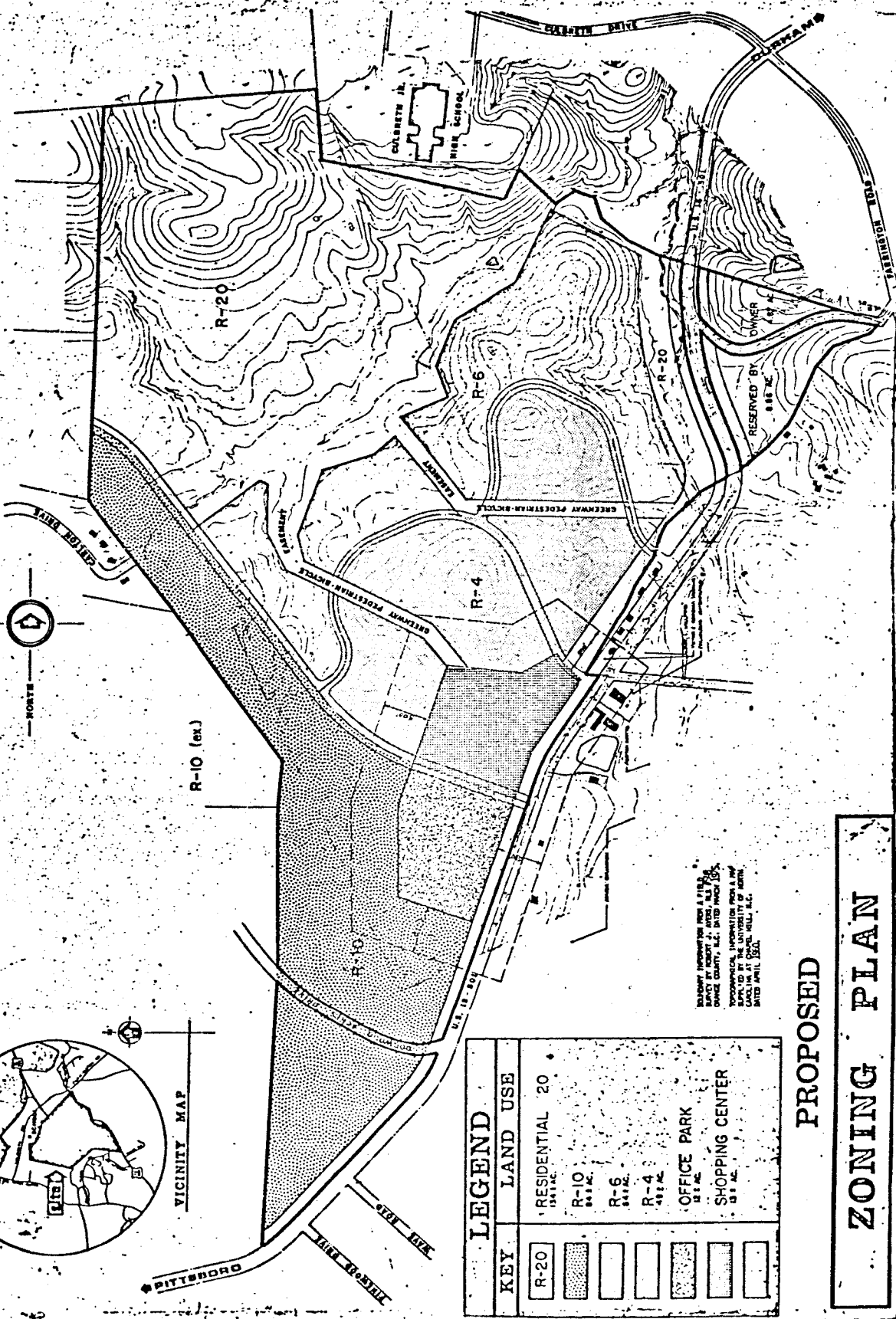
Application by S. Rodin and G. Groten for a special-use permit for a shopping center on U.S. Highway 15/501 South, Chapel Hill, North Carolina.

June 11, 1976

Attachment to application for special-use permit  
Laketree Center, U.S. Highway 15/501 South



VICINITY MAP



| KEY  | LAND USE                   |
|------|----------------------------|
| R-20 | RESIDENTIAL 20<br>1541 AC. |
| R-10 | RESIDENTIAL 10<br>841 AC.  |
| R-6  | RESIDENTIAL 6<br>441 AC.   |
| R-4  | RESIDENTIAL 4<br>411 AC.   |
|      | OFFICE PARK<br>121 AC.     |
|      | SHOPPING CENTER<br>51 AC.  |

PROPOSED

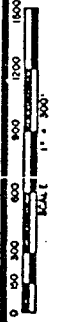
ZONING PLAN

SITE DATA

PROPERTY OF  
**S. RODIN & G. GROTEN**  
 P. O. BOX 429  
 CHAPEL HILL N. C.

CHAPEL HILL  
 N. C.

LAKETREE



MOORE, GARDNER & ASSOCIATES, INC.  
 CONSULTING ENGINEERS  
 CARY, N. C.  
 JUNE 9, 1976

Alpha Design Group  
 ARCHITECTURAL PLANNING ENGINEERING  
 CARY, N. C.

REQUEST:

S. Rodin and G. Groten hereby request a special-use permit for a shopping center to be located as shown on the plans and documents submitted with the application. The special-use sought is an integral part of an overall plan of development for a 387-acre tract of land now owned by Eben Merritt and under contract to be sold to the applicants. A statement of justification for an office park adjacent to the shopping center is also being submitted. Although the applicants desire that the special-use applications be considered separately, they must necessarily be viewed in conjunction with each other and with the applicants' plans for development of the entire 387-acre tract. Therefore, this statement will contain evidence and information pertinent to both applications.

S. Rodin is now negotiating for a residence in Chapel Hill to be near the project. A permanent residence will be constructed within the community when time allows.

68  
(2)

BACKGROUND:

The site for the shopping center can be located by measuring approximately 1,750' north of the center-lines of the intersections of U.S. Highway 15/501 and Dogwood Acres Drive to the proposed intersection of Damascus Church Road. From that point continuing on Highway 15/501 for a frontage of approximately 800' to the proposed intersection of Hunting Ridge Road. The site is approximately in the form of a square and is 700' deep. It is presently undeveloped and approximately three-quarters in tree cover.

The 12.9-acre site is currently zoned R-20 and suburban commercial in a strip 250' back from U.S. 15/501. The remainder of the site is zoned agricultural. A shopping center is permitted under a special-use permit in any district (except industrial) including R-20 and agricultural, which is the case here.

The proposed shopping center fits the description "retailed stores and service establishments with operations conducted and merchandise stored entirely within the building," as described in the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas."

The proposed shopping center is giving up the use of the existing suburban commercial zoning or order for a better planned and more acceptable corner nodal type of development to compliment the entire project. There is no strip commercial development along Highway 15/501 proposed. This allows the highway to do what it is supposed to do -- move traffic.

(3)

Examination of the existing shopping areas, both regional and neighborhood, in the Chapel Hill area reveal the need for a neighborhood service area on the southside of town. Its proposed location will be on the existing U.S. 15/501 and the proposed east-west thoroughfare planned road, creating an ideal access situation. The site is located relatively close to the "new growth area" to the southeast of Chapel Hill.

The shopping center building itself, which includes a mini-mall located in the central portion of the main building, extends to the back corner of the property into a proposed 100' wide greeway belt for pedestrian and bicycle access.

It should be noted that directly to the south of the proposed shopping center and across the proposed Damascus Church Road is a proposed office park to complete the commercial node.

The applicants concur with the land-use policy statement adopted by Chapel Hill. Every effort has been made to comply with it.

The shopping center will be called Laketree Center making it a part of the Laketree community.

70  
(4)

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN:

This statement contains substantial evidence which together with additional evidence to be presented at the public hearing will permit the Board of Aldermen to find that the special uses applied for (1) will not materially endanger the public health or safety, (2) meet all required conditions and specifications, (3) will not substantially injure the value of adjoining or abutting property, and (4) will be in harmony with the area in which they are to be located and in general conformity with the plan of development of Chapel Hill and its environs.

THE USE WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY:

1. Traffic

The requirements of the Chapel Hill Thoroughfare Plan have been incorporated into the overall plan with the inclusion of Damascus Church Road. The proposed shopping center is located on the northwest corner of U.S. 15/501 and Damascus Church Road.

A traffic report on conditions in the vicinity of the shopping center including the effect of additional traffic on U.S. 15/501 and the proposed street intersection with Damascus Church Road and site lines at street intersections and curb cuts is included at the end of this statement.

2. Sewer System

An engineering report by Moore, Gardner & Associates detailing the phasing and plan of operation for the private sewage system, specifications for the dam and lake, and effect of effluent on Morgan Creek is also included at the end of this statement.

3. Water, Electricity and Telephone

A letter from Mr. Grey Culbreth stating that The University of North Carolina can furnish these utilities will be included with this statement.

4. Garbage

When appropriate, the applicants will formally request that the area be annexed by the Town of Chapel Hill. In the interim period, garbage services will be privately contracted with a company (ies) that provides equipment compatible with the equipment used by the Town of Chapel Hill.



5. Fire

Until annexation, and/or the proposed No. 5 Fire Station is built within the community, fire protection will be provided by the North Chatham Volunteer Fire Department. Carrboro proposes a new station to be built on Jones Ferry Road at the Highway 54 Bypass within the next two years. This new station would enable the extension of the South Orange Fire District to encompass the entire Laketree community. Another option for initial development protection would be to enter into contract with Carrboro as necessary.

6. Phasing

It is intended that the entire shopping center be built a one time, with the exception of the service station, which will be built when leased. The target date to begin construction is approximately eighteen months from approval of the special-use permit.

7. Soil Erosion

Soil erosion and sedimentation control plans will conform to local codes and existing ordinances in Orange County and the State of North Carolina.

8. Flood Plain

The site does not fall into the Chapel Hill Flood Plain, or any other flood plain.

9. General

Laketree Center will serve the Laketree community of which it is a part. This sub-community concept reflects the land-use policy of Chapel Hill. Adequate parking has been provided. All

(7)

parking areas and drives will be curb and gutter. Facilities will provide healthful, safe conditions for employees and patrons.

(8)

THE USES AS PROPOSED MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS:

The uses proposed meet all required conditions and specifications under ordinances of the Town of Chapel Hill and all applicable laws of the State of North Carolina.

The proposed shopping center will not be divided up into single lots. The entire 12.9 acres will remain under one ownership. One parking space for each two hundred square feet of enclosed floor area has been provided. The required number of spaces is 518; the proposed number of spaces is 668. Service and loading areas exceed the ratio of one space for each ten thousand square feet of enclosed floor area. The entire shopping center was designed assuming the proposed 250' right-of-way for U.S. 15/501, instead of the existing 100' right-of-way. There are three buildings with a total square footage of 103,525 square feet.

The drawings designated "shopping center", sheets #9, 9A and 9B, all show the property for which the special-use permit is requested with the location and size of the proposed buildings, easements, rights-of way and open space.

The drawing entitled "Laketree, Proposed Zoning Plan" (sheet #5) shows the preliminary line five hundred feet from the surrounding property lines of the proposed shopping center and the names of the property owners in said area. The same map shows the existing land uses, existing public streets, and rights-of-way within a one thousand foot radius of the office park.

(9)

The requested use as a shopping center complies with the height and yard regulations for the use district where it is located. The tallest building proposed will be approximately 25', well below the maximum allowable building height of 35'. The proposed yards comply with those set forth in Section 4-B.1.k. in the "Zoning Ordinance".

The proposed shopping center, Laketree Center, will have adequate parking and pedestrian ways throughout. A six-foot evergreen hedge will be provided to screen the shopping center from proposed abutting residential property. In addition, parking areas will be screened from U.S. 15/501 and Damascus Church Road with a three-foot evergreen hedge. Facilities will provide healthful, safe conditions for employees and patrons.

THE USES WILL NOT SUBSTANTIALLY INJURE THE VALUES OF ADJOINING OR ABUTTING PROPERTIES:

Surrounding the location of the proposed special-use on three sides is other property of the applicants. The properties on the fourth side lie immediately across U.S. Highway 15/501 and consist primarily of undeveloped land and a commercial strip containing a motel and restaurant. The overall plan for development of the entire 387-acre tract has been carefully devised to provide a "fine grain mix of housing types with a high degree of opportunity for pedestrian movement"\* to shopping and office areas and at the same time to place along the perimeters of the tract residential areas similar in type to those that exist immediately outside those perimeters. The applicants sincerely believe that the proposed uses will enhance the values of surrounding properties. Evidence to substantiate this finding will be introduced at the public hearing.

\* Quote from Land Use Policy, Town of Chapel Hill, on file in Planning Department

(11)

THE LOCATIONS AND CHARACTERS OF THE USES WILL BE IN HARMONY WITH THE AREA AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL:

In recent years the Town of Chapel Hill and many of its citizens have devoted much time and effort to formulating planning objectives and goals for the area. The applicants respectfully submit that the proposed special-use, viewed against the overall plan for development of the entire 387-acre tract, fits neatly with the planning objectives and goals of the Town as recited in the report of PITCH and in the Land Use Policy of the Town of Chapel Hill.

The overall project of the applicants is the type of sub-community which includes the desired "diversity of housing types and supportive facilities," such as this neighborhood commercial area. The neighborhood commercial facilities desired by the Town is the subject of this special-use application.

With the moratorium on extension of the Chapel Hill Sewer System, this project affords the Chapel Hill community with a unique opportunity for healthy growth through careful planning. Only a sizeable project such as this one can economically justify a single large privately operated sewage plant and avoid a proliferation of septic tanks and small sewage systems.

The special-use sought is part of a plan incorporating a diversity of land uses -- a stated primary goal of the Town. It contains the "fine grain mix of housing types and cost levels" desired. The use applied for does not expand commercial areas at the expense of residential areas and is a necessary ingredient of

78

(12)

a pedestrian oriented sub-community. Conversely, this use provides neighborhood shopping facilities that will improve not only the quality of the applicants' residential areas but other existing residential areas as well. Laketree Center will compliment the commercial center serving the neighborhood. The intersection of U.S. 15/501 and the proposed outer loop road of the thoroughfare plan has been designated as a future commercial node by the Town's Planning Board.

The applicants intend to seek annexation of this property to the Town and to cooperate with the Town in every reasonable way to make the project and its environs attractive and safe. This includes the offer of a site for a future fire station on U.S. 15/501.

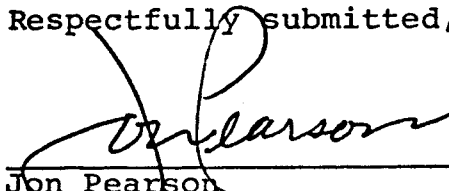
While the proposed Laketree community lies outside of the sphere of the University's potential growth and will not therefore subvert the goal of the Town in meeting the University's requirements, it, nevertheless, is close in proximity to the University and will relieve the shortage of housing close to campus. Its proximity relieves problems that might otherwise exist, e.g., utility extension, bus service, fire and police protection and garbage pick-up.

The special-use applied for in conjunction with the development of the entire tract affords to the Town a rare (perhaps unique) opportunity to regulate the development of, and subsequently to annex, a genuine sub-community with the desired attributes described in the Town's Land Use Policy. This sub-community, when complete, would

(13)

add 6.2 percent to the Town's existing land area. The applicants' are enthusiastic about their proposals, and look forward to working with the governing authorities of the Town in the planning and development of this community.

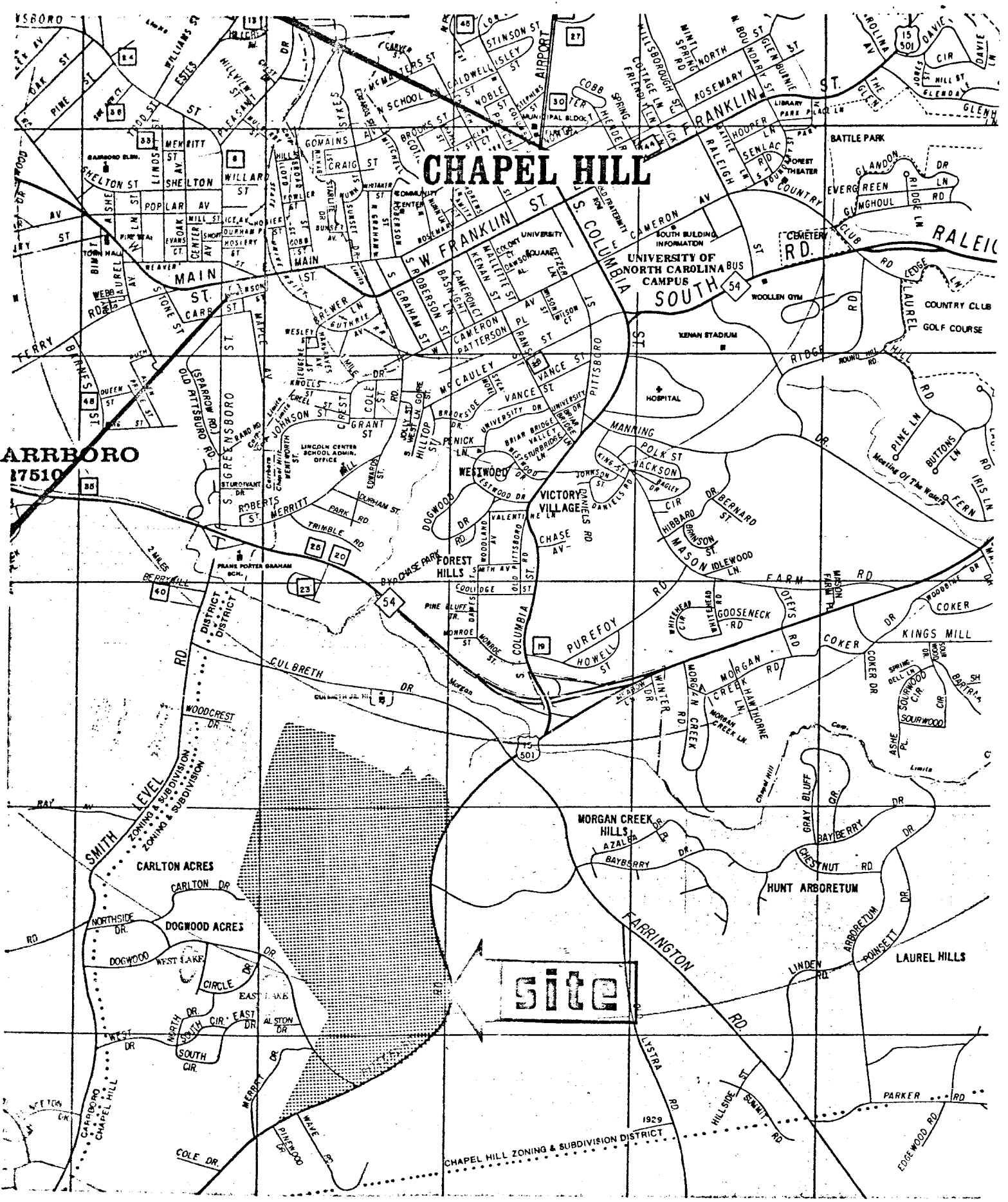
Respectfully submitted,



---

Jon Pearson  
ALPHA DESIGN GROUP,  
Agent for applicants





**Location Map**

87

DESIGN TEAM

Architectural

Alpha Design Group  
Post Office Box 12525  
Raleigh, North Carolina 27605  
Telephone: (919) 833-3631

Engineering

Edwin O. Floyd  
Moore-Gardner & Associates  
Post Office Box 517  
Cary, North Carolina 27511  
Telephone: (919) 467-9913

Legal

Midgette and Page  
Post Office Box 429  
Chapel Hill, North Carolina 27514  
Telephone: (919) 942-4161

Real Estate

Hengeveld-Robbins  
1503 East Frankin Street  
Chapel Hill, North Carolina 27514  
Telephone: (919) 929-2186

The designers have met with officials of Grant Elementary School and Culbreth Jr. High and High School, and determined that attendance, enrollment and capacity figures also absorption of the growth of the development. Mr. Anderson then introduced Mr. Bob Midgette, a member of the design team, to give more information on the services available.

Mr. Midgette indicated that he had been sworn. One of the findings necessary to approve the development is that it will not endanger the public health, safety or welfare. Mr. Midgette stated he would later ask Mr. Bludau of Moore, Gardner, and Associates, Inc. to introduce the traffic report on the project, completed for the developers. Mr. Midgette then introduced into the record a letter written by himself, with comments on electricity and water, police protection, fire protection, garbage pick-up, and sewage and traffic. Attached to this was a letter from Mr. Grey Culbreth of the University Utilities Division indicating that utility services could be provided by the University.

MIDGETTE, PAGE & HIGGINS  
 ATTORNEYS AND COUNSELLORS AT LAW  
 P. O. DRAWER 429 AREA CODE 919 942-4161  
 CHAPEL HILL, NORTH CAROLINA 27514

ROBERT B. MIDGETTE  
 ROBERT J. PAGE  
 THOMAS D. HIGGINS, III  
 KEITH D. LEMBO

July 26, 1976

To the Board of Aldermen and the Planning Board of the  
 Town of Chapel Hill, North Carolina:

Re: Proposal of Sylvia Rodin and Gertrude Groten (by  
 Alpha Design Group) for Laketree Community

Following are some comments concerning the provision  
 of services to the proposed Laketree Community:

Electricity and Water. I am informed by University  
 Service Plants that electricity and water are available  
 to the property and can be furnished by the University  
 (or its successors) except as to a small portion of the  
 property electricity to which will be served by Piedmont  
 Electric Membership Corporation and Carolina Power and  
 Electric Company. See letter of Grey Culbreth attached.

Police. Until annexation by the Town of Chapel Hill,  
 police protection will be provided by the Orange County  
 Sheriff's Department.

Fire. A portion of the property is within the South  
 Orange Fire District serviced by the Carrboro Fire Depart-  
 ment. At the earliest possible time, the developer will  
 petition the Town of Chapel Hill for annexation so that  
 fire protection service will be available to the area.  
 The plan of development includes a site for a town fire  
 station to serve the Southern environs of Chapel Hill.  
 Until annexation the developer will seek to contract  
 with the Town of Chapel Hill for outside fire protection  
 of the area now outside the South Orange District. \*

Garbage. Until annexation any required garbage pick-  
 up services will be by private contract using containers  
 which can be incorporated into the Town's system.

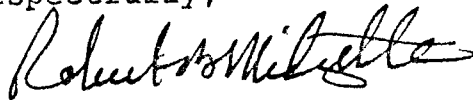
\* Volunteer fire protection is now  
 available from North Chatham.

3A1

Board of Aldermen and  
the Planning Board of  
the Town of Chapel Hill  
July 26, 1976  
Page Two

Sewage and Traffic. Substantive statements in re-  
gard to these services will be provided at the public  
hearing by Moore, Gardner and Associates, Inc.

Respectfully,



Robert B. Midgette

RBM/dhp

Attachment

3A2



THE UNIVERSITY OF NORTH CAROLINA

AT

Chapel Hill, North Carolina 27514

Grey Culbreth  
DIRECTOR OF UTILITIES  
TELEPHONE 933-1114

June 17, 1976

UTILITIES DIVISION  
ELECTRIC - WATER - TELEPHONE  
134 E. FRANKLIN ST.  
P. O. Box 540

Mr. Robert B. Midgette, Attorney  
210 North Columbia Street  
Chapel Hill, North Carolina 27514

Subject: Laketree Development  
(E. G. Merritt Property)

Dear Mr. Midgette:

This will respond to your inquiry regarding utility services to the proposed Laketree suburban development, south of Morgan Creek, presently known to us as the Eben Merritt property.

Water This property lies entirely within our service area. We would therefore anticipate serving this development under the same policy by which all other water extensions are made and maintained in our area. We are enclosing a copy of this policy.

Telephone This area is also wholly within our telephone service area and may be served under the same tariffs and conditions as any other part of our service area.

Electric The proposed development is almost wholly within our electric service area but there are small segments within the C.P. & L. and Piedmont service areas. The major portion can be served by us under present practices and tariffs.

Service area lines have not, as yet, been precisely located on the Laketree property but, of course, this will be done. At that time we will be able to say exactly what portion will be within our franchised area.

We will appreciate being kept informed on the progress of this development and we assure you of our cooperation.

Very truly yours,

*Grey Culbreth*  
Grey Culbreth

GC/eh

cc: Mr. W. E. Billingsley  
Mr. Paul Sexton

Mr. Midgette submitted a letter from Mr. Robert Hanes, Superintendent of the City Schools, supporting his testimony that a possible sale of land for an access road across school property could be negotiated.

3B

CHAPEL HILL - CARRBORO CITY SCHOOLS  
CHAPEL HILL, N. C. 27514

ROBERT C. HANES, SUPERINTENDENT  
CHARLES H. RIVERS, ASST. SUPERINTENDENT  
JUANITA FLOYD, DIR. OF PERSONNEL  
JESSIE S. GOUGER, DIR. ELEM. EDUCATION  
KARL MARKUSON, DIR. BUSINESS SERVICES

LINCOLN CENTER  
MERRITT MILL RD.  
TELEPHONE 919-967-8211

June 18, 1976

Mr. Robert B. Midgette  
Attorney at Law  
P. O. Box 429  
Chapel Hill, North Carolina 27514

Dear Mr. Midgette:

I understand you are the attorney representing the development of the Laketree Community. I am writing concerning this project.

Dr. Weatherly and I have had a meeting with the owners to discuss their interest in securing an entrance to Laketree from Culbreth Road. In particular, a hundred foot strip of school property would be needed on the northeastern side of the Culbreth Junior High site. The following is a summary of this discussion:

1. Dr. Weatherly and I saw no likely difficulties from the school system's point of view to negotiating a sale of the necessary land.
2. The land in question is in the area where the football field is located. The school system's long range plans include the placing of a track around the football field. No engineering work has been done on this. We agreed to proceed to have this engineering work done so that we could talk specifically about land available for the proposed road.
3. We suggested that we would be interested in the possibility of the owners providing fill dirt for the baseball field located in the western side of the school property as a part of a trade for the land for the road. Mr. Rhodin indicated that he would have his people look at this matter to see what might be possible.

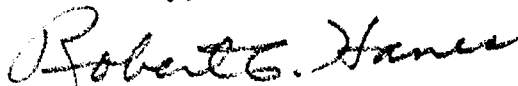
86  
3B1

Page 2  
Mr. Robert B. Midgette  
June 18, 1976

We concluded the meeting by indicating that we would get back together after more work had been done on 2 and 3 above. It will take us several months to settle the track question since this work cannot be contracted by us until after July 1, 1976.

Again, the school system would have no problems with the proposed road if all the details can be worked out to everyone's satisfaction.

Sincerely,



Robert C. Hanes  
Superintendent

RCH:ef

cc: Mr. Markuson  
Dr. Rivers  
Dr. Weatherly

Mr. Midgette then yielded to several persons to speak on the finding that the development would not insure the value of adjoining property.

Mr. Mel Rashkis (sworn) submitted a letter written by himself and gave his opinion that the development would not injure adjoining property values, but would enhance the property south of Chapel Hill.

4A



**mel rashkis** and associates, inc. P. O. BOX 231 . CHAPEL HILL, N. C. 27514 . (919) 942-8771

July 21, 1976

To the Board of Aldermen and the Planning Board of the Town of Chapel Hill:

I direct this letter to you at the request of Sylvia E. Rodin and Gertrude Groten, the developers of Laketree Community.

I have been actively engaged in the real estate brokerage and development business in Chapel Hill since 1965, and have served during that time as president of the Chapel Hill Board of Realtors and as a director of the North Carolina Association of Realtors. I have completed all required work in the Graduate Realtors Institute sponsored jointly by the University of North Carolina and the North Carolina Association of Realtors. Much of my time and energy has for many years been and is presently devoted to the study and appraisal of real estate values in the Chapel Hill area.

It is my opinion that the development of the Laketree community as submitted to you will not in any way injure or be detrimental to the values of adjoining and abutting properties. The plan of development appears to me to carefully preserve and protect the character and values of properties in surrounding neighborhoods.

Respectfully,

Mel Rashkis

MFR/dp





88  
Mr. Tom Heffner (sworn) was the next regular realtor to speak and gave his opinion that the Laketree proposal would enhance the adjoining properties rather than injure their value. He submitted a letter stating his opinion to be included in the record.

4B

## FINLEY-HEFFNER, INC.

*The Gallery  
of Homes*

P. O. BOX 2591, CHAPEL HILL, NORTH CAROLINA 27514 • 919/967-9234

Finley Realty, Inc., 200 N. Pine Drive, Wendell, N. C. 27591 • 919/365-3000  
Finley Realty, Inc., 3301 Executive Drive, Raleigh, N. C. 27609 • 919/876-7300  
Garrett-Sevier Realty, Inc., 975 Walnut Street, Cary, N. C. 27511 • 919/467-2234  
Finley-Nottingham Realty Co., Inc., 401 Circle Drive, Garner, N. C. 27529 • 919/772-7000

July 26, 1976

To the Board of Aldermen and the Planning Board of  
the Town of Chapel Hill:

This letter is in regard to the proposed Laketree Community of Mrs. Sylvia Rodin and Mrs. Gertrude Groten, involving two special use applications and several rezonings.

For the past three years I have been in the real estate brokerage business in Chapel Hill and am presently president of Finley-Heffner Gallery of Homes, Chapel Hill and Durham. My prior experience includes three years in residential land development in Morganton. Clients for real estate appraisals include Orange Savings and Loan Association, Central Carolina Bank and Trust Company, The Northwestern Bank and First Citizens Bank. I have taught real estate courses in the Vance-Granville Technical Institute and am a graduate of the University of North Carolina and of the Realtors Institute.

It is my considered opinion that the Laketree proposal, including the small service-type shopping area and office park, will enhance the values of adjoining and abutting properties. Furthermore, the proposal fits neatly into the overall development plan of Chapel Hill.

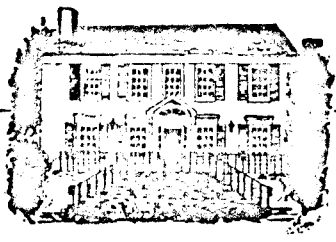
Sincerely,

*Thomas H. Heffner*  
Thomas H. Heffner

THH/dhp



Mrs. Mahyew Bear (sworn) of Foushee Realty Company, submitted a letter for the record, stating that the Laketree Community would add to Chapel Hill's development and would not be detrimental to the value of adjoining and abutting properties.



121 W. ROSEMARY STREET

FOUSHEE REALTY COMPANY

JOHN FOUSHEE INSURANCE AGENCY

BOX 877 • CHAPEL HILL, NORTH CAROLINA 27514 • TELEPHONE 968-4431

July 26, 1976

To the Board of Aldermen and the Planning Board of the Town of Chapel Hill, North Carolina:

I have reviewed the proposal for Laketree Community as described in the rezoning and special use application before you and am familiar with the tract of land on which the community is to be located.

Although I have been actively engaged in the real estate business with Foushee Realty Company in Chapel Hill only for the past four years, I have been a resident of Chapel Hill since 1938. I consider myself to be well acquainted with property values in the Chapel Hill area, am a member of the North Carolina Board of Realtors and have attended the Graduate Realtors Institute. I have been licensed by the State of North Carolina in real estate sales for about twenty years.

For almost forty years I have been an interested observer of the growth and development of the Chapel Hill community and have always held a keen desire that Chapel Hill's best features be preserved. It is my professional opinion and my personal opinion that the Laketree proposal gives Chapel Hill its first opportunity for a carefully and intelligently planned subcommunity of substantial size incorporating varied housing types with recreation, office and shopping facilities close at hand. It is my further opinion that the Laketree Community would not injure or be detrimental to the values of adjoining and abutting properties.

Sincerely yours,  
*Mahyew G. F. Bear*

Mahyew G. F. Bear

MGFB/dhp

Mr. Alan C. Robbins (sworn) expressed his opinion that Laketree Community will not be detrimental to the values of adjoining property and submitted a letter for the record stating this. He added that Chapel Hill's development has been blocked before this by Durham County, Carrboro, and to the south by not having land available for development. This is the first time a large tract of land has become available for development, and it has been well planned.

4D



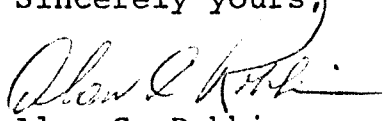
HENGEVELD-ROBBINS  
REALTORS & INSURORS  
P. O. Box 2595  
1503 E. Franklin Street  
Chapel Hill, North Carolina 27514  
929-2186

July 26, 1976

To the Board of Aldermen and the Planning Board of the  
Town of Chapel Hill:

This is to express my opinion that the proposal before you of Mrs. Sylvia Rodin and Mrs. Gertrude Groten for Laketree Community will not injure or be detrimental to the values of adjoining and abutting properties and is in conformity with the overall plan of development for Chapel Hill. The plan of development, including shopping and office facilities, is exactly what the Town has called for.

My professional qualifications include eight years of active brokerage and appraisal work in Chapel Hill. I am a former president of the Chapel Hill Board of Realtors, and am currently a director of the North Carolina Association of Realtors. I completed the ORI coursework and examination in 1970. I spend more than half of my time appraising properties in the Chapel Hill area for clients which include Home Savings and Loan Association, Orange Savings and Loan Association, International Business Machines, Eli Lilly Company, Sun Oil Company, Department of Housing and Urban Development and several local banks.

Sincerely yours,  
  
Alan C. Robbins  
Vice President

ACR/dhp

Mr. Midgette then summarized by saying that in his opinion the Laketree Community fit the design recommendations of the Chapel Hill Planning Board for the future growth of Chapel Hill. Alderman Cohen asked Mr. Midgette to put the 103,000 sq. ft. of the shopping center into perspective. It was determined this would be less than 1/2 the size of University Mall which is approximately 248,000 sq. ft.

Mr. Bludau (sworn) stated he was working with the owners to coordinate efforts of the owners, the State Department of Transportation and the town, for solutions to the traffic problems of Laketree. He submitted a traffic report by Moore, Gardner and Associates, Inc., undertaken at the request of the developers. This report is incorporated into the record by reference. He stated there were only minor disagreements with Mr. Horn's report.

TRAFFIC GENERATION REPORT

LAKETREE

CHAPEL HILL, NORTH CAROLINA



MOORE, GARDNER & ASSOCIATES, INC.  
Consulting Engineers  
Asheboro, North Carolina 27203

TRAFFIC GENERATION REPORT

LAKETREE

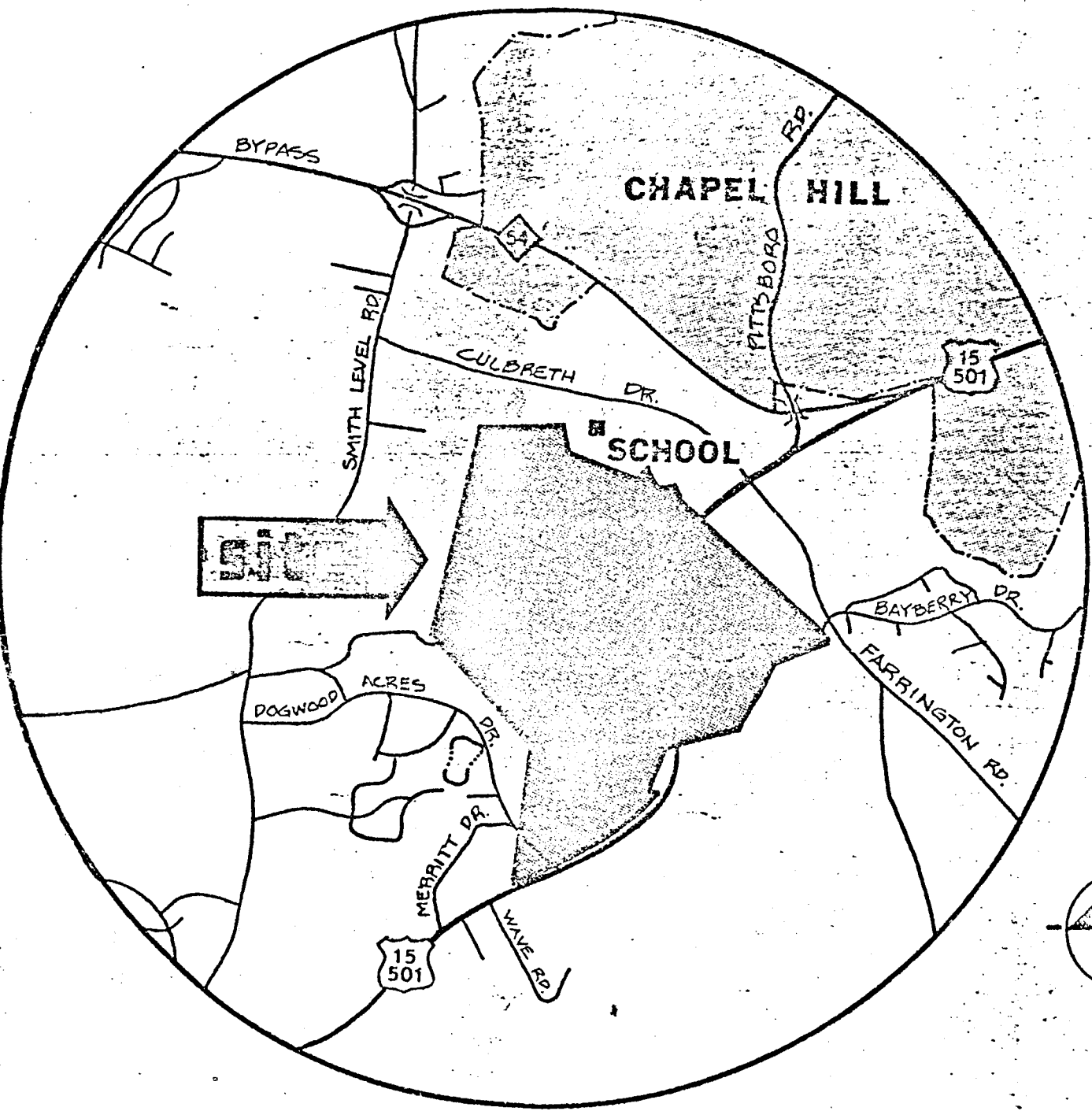
CHAPEL HILL, NORTH CAROLINA

I. PURPOSE OF TRAFFIC GENERATION REPORT

Transportation or access has a definite influence on locational determination of new development, and in a similar manner, new development has a definite impact on the local transportation network. The degree of that impact is, among other factors, determined by: the configuration of the traffic network, the existing traffic conditions on the network, scheduled improvements to the network, the amount of traffic generated by the new development and the phasing of the new development. Projecting the volume of traffic to be generated by the proposed development provides the developer, the planner, the local official reviewing the proposal, and highway engineers the information on which to base decisions and make recommendations. The purpose of this report is to assist in making decisions and recommendations regarding the proposed Laketree development on the Chapel Hill highway network.

II. DESCRIPTION OF THE LAKETREE PROPCSAL

Laketree consists of a 400 acre site located adjacent to U.S. 15-501 south of Chapel Hill in Orange County and will contain mixed single-family residential, multi-family residential, commercial and office park land uses (see Exhibit A). There will be 237 single-family lots, 42+



VICINITY MAP

Exhibit A

acres zoned for R-6 residential, 48<sub>+</sub> acres zoned for R-4 residential, 132,000 square feet of office space, and a neighborhood shopping center with 103,000 square feet of gross floor area. In addition, the development will contain a 30<sub>+</sub> acre lake and approximately 10<sub>+</sub> acres reserved for pedestrian or bicycle travel and for flood plains.

### III. TRAFFIC GENERATED BY LAKETREE

#### A. Data Sources

Determining the traffic that will be generated by various land uses is not an exact science. Historical data provided by past traffic generation studies provides the data most frequently used to project future traffic generation; however, no two study areas are exact duplicates so that traffic generation data from similar land uses, single-family residential or shopping centers, for example - frequently differs greatly. Thus, the selection of the data source or standards upon which to base traffic projections is important and can, therefore, become the subject of reasonable disagreement in the traffic volumes projected.

We have endeavored to use traffic generation data in this report that is consistent with the Laketree development and the Chapel Hill area. We have taken most of our data from two sources - the 1976 edition of the Transportation and Traffic Engineering Handbook prepared by the Institute of Traffic Engineers, and

the 1976 Chapel Hill - Carrboro Transportation Plan prepared by the North Carolina Department of Transportation.

B. Traffic Generation:

Projected daily traffic rates in terms of vehicle trips were prepared for each category of Laketree's designed land use. A vehicle trip is the one-way movement to or away from a particular location. For example, driving from a house to a store consists of two vehicle trips - the trip to the store and the return trip to the house from the store. Where detailed planning did not provide an exact number of dwelling units to be located on the site, in the areas zoned for multi-family use, the maximum number of dwelling units per acre allowed by the zoning ordinance was used as the basis for generating the maximum expected daily vehicle trips. The projections for the office park and neighborhood shopping center were based on daily vehicle trips per 1000 square feet of gross floor area.

1) Residential Traffic Generation:

There are four areas of proposed residential development that were analyzed separately. The Laketree Hills Section consists of 88 lots for single-family units. This section is scheduled for the first phase of development and will initially utilize Culbreth Drive for its vehicular access. This section will contain homes in the



\$70,000+ price range. Nine (9) vehicle trips per day per dwelling unit<sup>1</sup> were used as the typical standard for calculating projected daily traffic volume from this section and produced a projected volume of 792 vehicle trips per day.

Laketree Acres will consist of 149 lots for low density single-family units. This section is scheduled for a later phase of development. The cost of homes in this section will be less than in Laketree Hills, but nine (9) vehicle trips per day per unit<sup>2</sup> was also used to project the total daily traffic volume of 1341 trips per day from this residential section.

The R-6 residentially zoned area consists of 42+ acres that can contain a maximum density of 7.2 dwelling units per acre for a maximum of 302 multi-family residential units. Medium density housing complexes produce an average of seven (7) trips per day per unit<sup>3</sup> which gives a projected volume of 2114 trips per day to be generated if developed at maximum allowable density.

The residential area zoned R-4 consists of 48+ acres with an allowable density of 10.8 dwelling units per acre for a maximum of 518 multi-family units. This medium density area will also produce an average volume of seven (7) trips per day per dwelling unit<sup>4</sup> for a projected daily volume of

3626 vehicle trips per day if developed at maximum density.

Table I summarizes the projected daily traffic volume that may be generated if Laketree is developed as planned.

2) Office Park Traffic Generation

The planned office park will consist of a campus arrangement of office buildings with a combined total of 132,000 square feet of floor space. The volume of daily traffic generated will be dependent upon the types of firms that locate there, the number of firms, and the phasing of construction of the office buildings. Again using information from the Institute of Traffic Engineers, a volume of 14 trips per 1000 square feet of floor area per day<sup>5</sup> was used to project a volume of 1848 vehicle trips per day when the 132,000 square feet of office space is available.

3) Shopping Center Traffic Generation

There is wide disparity between traffic generation rates associated with shopping centers. The types of stores, the quality of merchandise handled, the convenience of the center, and its design quality have significant influences on similarly sized shopping centers. The June issue of the "Traffic Engineering Magazine" published by the Institute of Transportation Engineers was used as the source for determining the volume of traffic

expected to be generated by the shopping center. Table II summarizes the information on similarly sized shopping centers and the traffic they generated in a recent study conducted in West Virginia. A figure of 40 trips per day per 1000 square feet of floor area<sup>6</sup> was assigned to determine the Laketree shopping center's traffic generation volume. This number gave a total daily traffic volume of 4120 trips to be generated by the shopping center. These trips represent both internal trips (from within the Laketree development) and external trips (from outside the Laketree site) to use the shopping center facilities.

Combining the totals from each land use gives a projected 13,841 daily trips to be generated by the full development of Laketree. This information is summarized in Table I. This projected volume is based on the continued availability of "affordable" gasoline and does not include the use of bus service to the area.

IV. TRAFFIC IMPACTS ON THE EXISTING SYSTEM

Traffic generated by the Laketree development will have primary affects on the following streets: US 15-501 south, Culbreth Road, Dogwood Acres Drive, Smith Level Road and the NC 54-US 15-501 Bypass. The degree of impact on the Chapel Hill - Carrboro street network will be influenced by how much of the Laketree traffic will be new traffic on the

TABLE I

TRAFFIC IMPACT SUMMARY TABLE

| LAND USE AREA                       | TRAFFIC GENERATION STANDARD | TRAFFIC GENERATION |               | STREETS TRAFFIC BEARER FULL DEVELOPMENT UTILIZED           | STREETS TRAFFIC BEARER FULL DEVELOPMENT | DAILY TRAFFIC COUNTS  |                |                  | CORRECTIVE MEASURES   |   |
|-------------------------------------|-----------------------------|--------------------|---------------|--|---|---|----------------|------------------|---|---|
|                                     |                             | TOTAL              | GENERAL TRIPS |  |   | STREET  | 1971*          | 1955*            |   | INITIAL   |
| 1. Residential (see Existing Units) |                             |                    |               |  |   |   |                |                  |   |   |
| 2. Suburban Hills (65 D.U.)         | 9 Trips/D.U.                | 792                | 264           | Culbreth Drive<br>Damascus Church<br>Road                  | 570<br>364                              | US 15-501<br>(Laketree to<br>Rt. 54 Bypass)                     | 6,200          | 9,870            | Turn lanes at inter-<br>sections; traffic<br>lights at Damas-<br>cus Church Road; realign<br>DeWood Acres Drive<br>Intersection | 4-lane divided with<br>median; turn lanes<br>at intersections;<br>250' R.O.W. |
| 3. Warehouse Acres (65 D.U.)        | 9 Trips/D.U.                | 1341               | 447           | DeWood Acres<br>Drive; Damas-<br>cus Church<br>Road        | 610<br>531                              | Smith Level Road<br>(Rt. 199 to<br>Rt. 54 Bypass)               | 5,600          | 16,170           | Adequate  | 4-lane urban<br>through-lanes;<br>50' R.O.W.                                  |
| 4. Residential (65 Ac. - 518 D.U.)  | 7 Trips/D.U.                | 3626               | 1554          | Brookhaven Drive<br>Hunting Ridge<br>Road                  | 2720<br>907                             | Culbreth Drive  | 840            | 2,710            | Adequate  | Adequate  |
| 5. Residential (25 Ac. - 302 D.U.)  | 7 Trips/D.U.                | 2114               | 506           | Hunting Ridge<br>Road; Brook-<br>haven<br>Drive            | 705<br>1409                             | 54.15-501 Bypass<br>(Smith Level<br>Interchange to<br>Rt. 1014) | 7,910<br>7,040 | 22,560<br>18,630 | Upgrade sections as<br>recommended in<br>transportation plan  | 4-lane divided with<br>median; R.O.W.<br>adequate                             |
| 6. Office Park (25,000 Sq. Ft.)     | 14 Trips/1000 S.F.          | 1843               | 1057          | US 15-501<br>Damascus Church<br>Road                       | 881<br>967                              |   |                |                  |   |   |
| 7. Shopping Center (25,000 Sq. Ft.) | 40 Trips/1000 S.F.          | 4120               | 2114          | Damascus Church<br>Road US 15-501<br>Hunting Ridge<br>Road | 1216<br>1524<br>1381                    |   |                |                  |   |   |
|                                     |                             | 13,841             | 6,342         |  | 7,499                                   |   |                |                  |   |   |

\*Source: "Chapel Hill - Carboro Transportation Plan", NC Department of Trans-  
portation, 1976

TABLE II

SHOPPING CENTER TRIP GENERATION

WEST VIRGINIA STUDY

| Shopping Center Name                | Size (Sq. Ft.) | Site Size (Acres) | No. of Parking Spaces | Average Daily Traffic Volume (Vehicles/Day) | Trips/1000 Sq. Ft. GFA* | Trips/Parking Spaces |
|-------------------------------------|----------------|-------------------|-----------------------|---|-------------------------|----------------------|
| Morganton Plaza                     | 160,000        | 13                | 553                   | 7798  | 48.7                    | 14.1                 |
| K-Mart                              | 95,000         | 6                 | 450                   | 3736  | 39.3                    | 8.3                  |
| Bluefield Plaza                     | 110,000        | 12.5              | 600                   | 4069  | 37.0                    | 6.8                  |
| Puttman Village                     | 95,000         | 8                 | 545                   | 3194  | 33.6                    | 5.9                  |
| Proposed Laketree Shopping Center** | 103,000        | 13                | 530                   | 4120 (Projected)                            | 40.0 (Projected)        | 7.8                  |

\* Gross Floor Area

Source: "Analysis of Error Associated With Trip Generation", by Edward Neuman, Ph.D. and Govin D. K. Deshpandi, Traffic Engineering Magazine, Vol. 46, No. 6, June 1976, p. 22

\*\*Source: Alpha Design Group; Moore, Gardner & Associates, Inc.

system; how much will be caused by local relocation of residential, shopping and business patterns, and by the measures taken by the city and the state to implement the recommended Chapel Hill - Carrboro Transportation Plan.

A. Culbreth Road

The first phase of construction, Laketree Hills residential area, will have access only from Culbreth Road so that the projected 792 daily vehicle trips will use Culbreth Road until such time as a connection with the proposed Damascus Church Road is completed. At that time, all internal traffic to the shopping center and the office park from Laketree Hills should use Damascus Church Road and not Culbreth Road or US 15-501. The 1971 traffic counts on Culbreth Road indicated a volume of 840 vehicles per day. The street is projected to carry 2710 by 1995. The addition of the Laketree Hills traffic will create a daily traffic volume of between 1600 and 1800 vehicles on Culbreth Road, and will not require any improvements to be made to it.

B. Dogwood Acres Drive

The development of Laketree Acres residential area will increase the daily volume of traffic on Dogwood Acres Drive. Approximately 90 of the single-family lots will use the street as their most convenient access to US 15-501. If all the projected trips from these units utilized Dogwood Acres Drive, the increased volume would equal 810 additional trips per day on the street. This

total usage of the street should not occur; however, because trips to the shopping center and office park can also conveniently use the proposed Damascus Church Road.

C. US 15-501 (Pittsboro Road)

US 15-501 will experience a major traffic impact from the development of Laketree. According to a 1971 traffic count, the road carried 6200 vehicles per day in the vicinity of the Laketree site. A 1995 volume of 9870 vehicles per day was projected for the same section in the 1976 Transportation Plan if no additional improvements are made to the street network.

The traffic generation data developed in Section III projects a maximum total daily volume of 7873 vehicle trips to be generated by the residential areas of Laketree. The office park and shopping center will attract 5968 vehicles daily. The shopping center and offices will attract a significant portion of projected trips per day per dwelling unit. Three trips per day per unit have been assumed as being internal in nature; that is, from dwelling to offices and shopping center without using external streets, so that 3171 internal trips will be made by the maximum number of 1057 dwelling units on the Laketree site. Subtracting the internal trips from the total projected trips leaves 4702 daily external trips from Laketree which may use US 15-501.

The shopping center and office park will serve as major attractions for vehicular traffic. A projection of 1848 daily trips for the office park was developed in Section III. Assuming that an average of one of the three daily vehicle trips made internally will be to the office park, a total of 1057 trips to the office park will be internally generated while 791 trips per day will be from external sources.

The shopping center is projected to attract 4120 trips per day. Assuming that two trips per day per Laketree residential unit are attracted to the shopping center, then 2114 of the projected 4120 trips per day will be internally generated trips and 2006 will be externally generated.

Determining the potential impact of Laketree's full development on US 15-501 requires:

- 1) Examining the 1985 projected volume on the highway without Laketree;
- 2) adding the maximum volume in external trips from Laketree, and
- 3) including the external trips attracted to the Laketree office park and shopping center.

A straight line projection between the 1971 actual daily traffic count on US 15-501 and the projected 1995 volume gives a 1985 projected volume at the Laketree site of 8340 vehicles per day.

In the 1976 Transportation Plan, NCDOT projected a dwelling unit increase of 519 units in planning area



zones 84 and 85 by 1995, or an increase of 455 units by 1985. The Laketree site comprises about 45 percent of the two zones, and assuming that Laketree provides all the residential growth for the two zones, the maximum of 1057 units that can be placed on the site is 602 dwelling units over the amount estimated for the two zones by 1985. These 602 units may each generate up to five unanticipated external trips per day on US 15-501. (The five trips is an average between the six external trips assigned to single-family units and the four external trips assigned to multi-family units and gives a total of 3010 trips to add to the 1985 projected volume on US 15-501).

The shopping center and office park are expected to attract a total of 2797 external trips daily, two-thirds or 1865 trips of which will use US 15-501 and one-third or 933 trips will be on Damascus Church Road. The total anticipated 1985 daily volume on US 15-501 will be a combination of the projected 8340 vehicles projected by NCDOT, the 3010 trips generated by the 602 unanticipated dwelling units in zones 84 and 85, and the 1865 external trips attracted by the shopping and office complex at Laketree, and gives an anticipated daily volume of 13,215 vehicle trips.

D. Smith Level Road (Rt. 1919)

Smith Level Road is projected to experience a major increase in the volume of traffic it carries by 1995.

The 1971 volume of 5600 trips per day should increase to 16,170 trips per day in 1995 according to NCDOT projections. The Transportation Plan recommends that the road be upgraded to a major thoroughfare. The traffic from Laketree should not use Smith Level Road as extensively as it does US 15-501. Smith Level Road will primarily serve those trips into Carrboro and trips to the Rosemary and Franklin Street areas of Chapel Hill. Should the 1976 Transportation Plan be implemented, Smith Level Road will still carry approximately the same volume of traffic. A maximum of one-fourth, or 1875, of the 7499 anticipated external trips caused by Laketree may use Smith Level Road daily. This projected volume of traffic has been anticipated by the NCDOT in their growth and volume projections and this additional volume on the existing road should not alone require additional improvements to Smith Level Road.

E. Rt. 54 - US 15-501 Bypass

Without implementation of the recommendations contained in the 1976 Transportation Plan, the Bypass will experience a daily increase from 7910 vehicles to 22,580 vehicles near the US 15-501 intersection according to the NCDOT. With implementation of an outer beltway, the daily volume should drop to 16,800 vehicles.

Three-fourths of the external traffic from Laketree or 5,624 vehicles, may use the Bypass daily as a result of Laketree's total development; however, many future

residents of Laketree may be relocating from other areas of Chapel Hill or Carrboro and their present usage of the Bypass is unknown, so that the actual increase on the Bypass as a result of new traffic and local traffic not previously using the Bypass on a daily basis is very difficult to estimate. Improvements to the Bypass are a priority item recommended in the Transportation Plan, and if they have not been completed by 1985, the traffic from Laketree may contribute 5,624 vehicle trips to the projected volume of 16,468 vehicles using the Bypass.

V. CORRECTIVE MEASURES

To provide for traffic flow and increased safety, the following corrective measures can be taken:

A. US 15-501 South - Damascus Church Road Intersection

To provide for a continuous north-south flow of traffic adjacent to the Laketree site, turning lanes can be provided at the intersection of US 15-501 and Damascus Church Road until such time as the road is upgraded. The turn lanes should not be necessary until either the office park, the shopping center or Damascus Church Road is constructed. When the two turn lanes are constructed, traffic lights should also be installed to control traffic flow. One turn lane for northbound and one turn lane for south bound traffic is required. Expected traffic increases and the development of Laketree will eventually require the state to upgrade the road to a divided four lane facility that can better

handle the anticipated 1985 and 1995 traffic volumes that will use the road.

B. Dogwood Acres Drive - US 15-501 South

Turn lanes should also be constructed at the intersection of US 15-501 and Dogwood Acres Drive. The current alignment of the intersection needs straightening which could be done in conjunction with installation of the turn lanes. Dogwood Acres Drive intersects US 15-501 at a curve. The poor sight distance to the south has led to the angled alignment that now exists. Turning lanes would allow for traffic flow uninterrupted by turning movements. A left turn lane for those approaching from the south would eliminate the existing problem of north bound drivers entering a curve only to find stopped vehicles waiting to make a left turn. These turn lanes should be installed with the development of Laketree Acres residential area.

C. Hunting Ridge Road - US 15-501 South

Approximately 907 trips from the R-4 zoned areas and 705 trips from the R-6 zones areas may use Hunting Ridge Road to reach US 15-501. To insure a continuous flow of traffic on US 15-501 uninterrupted by turning movements, turn lanes can also be installed at this intersection.

D. Brookhaven Drive - US 15-501 South

There may be a maximum of 1409 daily external trips from the R-6 zoned areas and 2720 trips from the R-4 zoned

areas using the Brookhaven - US 15-501 intersection. Without turn lanes, traffic flow on US 15-501 will be interrupted by turning vehicles, especially during peak traffic periods. If this multi-family area develops to maximum allowable residential capacity, a traffic light will be required at this intersection.

E. Office Park Entry Drive - US 15-501 South

A projected 791 vehicles may enter the office park through the formal entry from US 15-501. This entry point is 575 feet, or one city block, from the Damascus Church Road intersection. This entry point will relieve the Damascus Church Road intersection of carrying all the 701 external trips to the office park. Turning lanes into the office park entry would be required to prevent queuing as a result of turning movements.

The best solution to turning movements into and out of Laketree will be a four-lane divided highway with left and right turning lanes and signalization; however, until the state is ready to upgrade US 15-501 in accordance with the Transportation Plan recommendations, separate turning lanes at each major intersection should allow a continuous flow of traffic and storage lanes for turning movements. Traffic signals will be necessary at the Damascus Church Road intersection and the Hunting Ridge Road intersection with US 15-501.

REFERENCES

1. Transportation and Traffic Engineering Handbook,  
Institute of Traffic Engineers, Prentice-Hall, Inc.,  
Englewood Cliffs, New Jersey, 1976, P. 203 (Table 5.48)
2. IBID, P. 203
3. IBID, P. 203
4. IBID, P. 203
5. IBID, P. 203
6. "Analysis of Error Associated With Trip Generation" by  
Edward Newman, PhD and Govin D. I. Deshpondi, Traffic  
Engineering Magazine, Vol. 46, No. 6, June, 1976, P. 22.
7. Transportation and Traffic Engineering Handbook,  
Institute of Traffic Engineers, Prentice-Hall, Inc.,  
Englewood Cliffs, New Jersey, 1976, P. 203 (Table 5.48)

Alderman Smith asked if the State Department of Transportation had proposed any improvements to 15-501 and N. C. 54 before Laketree was built. Mr. Bludau stated that State had no proposed changes; that at the time their long-range plan was formulated, there was not enough traffic on 501 to justify its improvement. However, in Chapel Hill's plan this year, they have recommended four-laning 501.

Alderman Gardner asked for the total square footage area of the office park. Mr. Anderson stated it was to be 132,000 sq. ft., designed to serve the immediate community area for the next few years. More space will be made available as the town develops. Alderman Smith asked if recreation facilities such as tennis courts had been provided. Mr. Anderson stated that approval for facilities would be brought before the Board with each cluster of housing. Alderman Smith then asked what the anticipated number of school-age children would be at full development. Mr. Anderson answered the developers projection was 317 school-age children. Alderman Smith asked who would build Damascus Church Road through to Smith Level and who would build the road through Culbreth Jr. High School property. Mr. Anderson replied that the road to Culbreth Drive was a development problem, and would be built by the owners of Laketree; on the part of Damascus Church Road extension which was owned by the developers, they would be working with regulatory agencies; however, the developers have no control over the property connecting directly to Smith Level Road. Alderman Smith questioned Mr. Anderson on the amount of logging done on the property and the trees left for a buffer zone. Mr. Anderson stated the property had been timbered at one time and there was still some to be cleaned up. However, the developer had not requested a change in the zoning of the buffer areas so that the present plant life could be preserved, and the developer would add to this. He stated necessary pruning would be done, which would include cutting diseased trees.

Alderman Epting asked how many spaces would be provided for the park-n-ride and whether it would be at a cost to the town. Mr. Anderson answered that he did not presently know how many spaces would be provided, that feedback from the town had indicated a need for 150 spaces. They would continue to get feedback and if more land was needed, the developers would work with the town to provide it at no cost to the town, and probably at no cost to the commuters. Alderman Epting asked if the price range for the homes had been decided upon. Mr. Anderson answered the Laketree Hills, R-20, would be ranged between \$65,000 and \$90,000. Laketree Acres, R-10, would be \$42,000 to \$53,000. There would be three types of attached housing, geared to 1, 2 or 3 bedroom clusters, at a range of \$32,000 to \$75,000. The rental units would be in three prices, appealing to the students, elderly and retired. Alderman Epting asked if the lots would be sold with houses on them by the developer. Mr. Anderson stated the developers would maintain a quality control of the development, working with certain builders, releasing a lot at a time so that the lot would be sold with a house.

Alderman Cohen asked if the developer would be dedicating the full footage required for enlarging 15-501, or if he would only be dedicating half of that needed, 90 feet, for the side the community would be on. Mr. Anderson said the developer would be dedicating half of the 250 feet needed for one side, that they did not own the property on the other side of the highway. Condemnation proceedings would be required for the other side of the highway as well as for the seven houses along the side of the highway next to Laketree.

Mr. Ed Floyd (sworn), of Moore, Gardner, & Associates, Inc., stated the preliminary engineering had been completed to determine that the streets, water system and sewage system would work. They were awaiting approval before completing the final engineering design. The water system is to connect with the existing line along Coker Drive, and a 12" line will be laid along Laketree Drive and be tied in with Dogwood Acres. The sewage will be brought by gravity around the northwest side of the lake to the treatment plant. The treatment plant is to be temporary until the development can tie into Chapel Hill's system. It will begin with a 50,000 gallon extended aeration type plant, meeting North Carolina requirements. The State required that the plant be monitored and reports submitted showing the quality of affluent meets all requirements.

Alderman Cohen asked if the line through the subdivision was designed to be adequate to pick up Dogwood Acres. Mr. Floyd stated the plant was designed to pick up Dogwood Acres and could be expanded to handle more.

Alderman Epting asked what the normal life of the plant was, and how long the community planned to use it. Mr. Floyd answered the life was approximately 15 years; however, the community would tie into the municipal system as soon as possible before then. The plant will be owned by the developers and the Homeowners Associations. Mr. Anderson stated it was assumed there would be no fees because this would be a developmental cost to produce a finished product. The project would have oversized lines so that owners to the south of the community could later add on to the municipal system without disruption to residents.

Alderman Howes asked if the Homeowners Associations would own the lake and whether they would be responsible for silting. Mr. Anderson answered that the Homeowners Associations would own the lake and would be responsible for silting. Participation in the Association would be mandatory.

Alderman Smith asked Mr. Jennings how the schedule for this project would fit in with the development plan for the Town. Mr. Jennings replied the Planning Board and planning staff had concentrated on the development of goals and objectives. The phasing of population projections had been held up, awaiting the input from the 208 study. Concentration had been oriented towards the north of Town because land was not available to the south for development before this.

Alderman Howes asked if the agricultural zoning reflected the current comprehensive plan. Mr. Jennings answered yes. Mayor Wallace asked for comments and questions from the audience.

Dr. Wesley Wallace (sworn) of Dogwood Acres, stated he felt the project was well presented, but he believed the traffic to be a greater problem than shown. While the traffic projections are usually for flat terrain, the traffic from Dogwood Drive enters 15-501 just as the hill breaks. Winter is especially hazardous on this hill. More traffic is also added to what is now a dangerous curve. He stated he also believed there was already more traffic to the south than was shown in the figures in the report. He desired some redesigning which would lessen the traffic load. Dr. Wallace also suggested that as all but two of the lots in Dogwood Acres conformed to R-20 zoning, even though zoned R-10, that the property adjacent to Dogwood Acres should be zoned R-20.

Alderman Cohen asked if the developer proposed to realign the entrance of Dogwood Acres to 90° to 15-501. Mr. Jennings stated this was a proposal; however, Mr. Midgette stated he did not believe a 90° intersection would help. He also stated he thought this a question for a subdivision approval hearing, not a zoning hearing.

Mrs. Ilse Sonner (sworn) asked to submit a letter into the record, (see insert) and stated that she and several of her neighbors owned lots of 1 acre or more. She asked that the property adjoining Dogwood Acres be zoned R-20, rather than R-10, to maintain the rural setting, and because she believed the smaller lots required for R-10 would decrease the value of her property. She suggested that larger lots would also mean less traffic in this area.

Mr. Paul Harrison, first being sworn, stated he agreed with the integrity of the plan, however, he was concerned with the overall impact on Chapel Hill. He believed that other large tracts of land to the south of Chapel Hill would soon be under consideration for development, and he did not think sufficient concern had been shown for the traffic which would be created by more developments. He suggested scaling the project down to a more reasonable level of less density to reduce traffic.

Mr. David McFarland (sworn) of Dogwood Acres, wished to agree with those who had already spoken for zoning the southern corner of the development, adjoining Dogwood Acres, R-20.

Mr. Bill Morning, indicating he had not been sworn, asked some questions concerning the several small homes along 15-501, just north of the area selected for the shopping center, one of which was the kind of buffer zone which would be planted. Mr. Anderson stated the zoning hearing did not give the developer permission to change the landscape behind these homes, but when the developer appeared before the Board for approval of building plans, the Board and various commissions could regulate the type of landscaping done. Mr. Morning asked how enlarging 15-501 would affect the value of his property. Mr. Anderson stated the development would not injure the value of Mr. Morning's property, but if the highway was enlarged the State would have to buy some of Mr. Morning's property. Alderman Cohen asked if these houses would need to be taken to enlarge 15-501. Mr. Anderson stated that some of the houses would have to be taken, but this would happen at any time the road was enlarged, no matter what the development. Mr. Jennings stated the widening had not actually been decided upon, because the thoroughfare plan incorporating the four-laning of 15-501 had not been adopted. Mr. Horn stated the actual roadway would be 75-80 feet; a 250 feet right-of-way was the desirable right-of-way, but the divided highway could be built on a 150 ft. right-of-way. Mr. Morning then asked how the development road near his home would affect these small houses. Mr. Anderson said Brookhaven Drive could not be put in without acquiring some private property.

Mayor Wallace called for further questions or comments. Alderman Smith stated that he did not believe the State would improve 15-501, and the impact of the development on 15-501 without enlargement would endanger the lives of the citizens in Dogwood Acres.

Alderman Cohen moved, seconded by Alderman Howes, that the proposed amendments to Chapel Hill Zoning Map for Laketree Community, the request for a Unified Business Special Use Permit for the office park, and the request for a Unified Business Special Use Permit for the Laketree Shopping Center be referred to the Planning Board for consideration and recommendation. The motion was carried unanimously. Mayor Wallace declared public hearings 1, 2 and 3 adjourned.



To the  
Board of Aldermen  
Town of Chapel Hill  
Chapel Hill, NC 27514

July 26, 1976

Re: Re-zoning of Lot 4, Block A, Chapel Hill Township Tax Map 126.

We, Johann and Ilse Sonner, are the owners of one of the four tracts of land that are immediately adjoining the triangularly shaped piece of land bordered on the other two sides by Dogwood Acres Drive and Highway 15-501. Our own tract, containing approximately eight acres, has a 550 feet long common border with the land in question; at R-10 zoning, this means that we could get seven new neighboring lots in that direction. We, as well as all of our immediate neighbors, have purchased our tracts and houses because we all cherished the semi-rural setting they provided. We have no intention to subdivide or live in an urban surrounding.

We therefore request that you consider rezoning the triangular piece of land in question to R-20 rather than to R-10, as proposed. This would result in a more logical transition to the agricultural zoning that we intend to retain.

There is another argument for R-20 zoning for this part of the tract that you might want to consider. Inspection of the plans for development of this triangle reveals a subdivision into about 35 lots. The intersection of Dogwood Acres Drive and Highway 15-501 is already a very dangerous one, due to the blind curve that Highway 15-501 forms just south of it. The driver of a vehicle trying to make a left turn towards Chapel Hill during the morning rush hour is often taking his life into his hands. The addition of the vehicles of another 35 or more families would only compound this situation. R-20 zoning, by cutting down the number of potential lots, would help.

For the sake of our privacy, as well as the safety of all of the future residents of the area, we hope you will give favorable consideration to the less dense R-20 zoning of the triangle.

Sincerely,

*Johann Sonner and Ilse R. Sonner*

Johann and Ilse R. Sonner  
3 Dogwood Acres Drive  
Chapel Hill, NC 27514

To the Board of Aldermen  
Town of Chapel Hill  
Chapel Hill, NC 27514

July 26, 1976

Being in a very similar situation as the writers of the attached letter, we heartily concur with their arguments for a R-20 zoning of the triangularly shaped piece of land bordered by Dogwood Acres Drive and Highway 15-501 on the southern end of Lot 4, Block A, Chapel Hill Township Tx Map 126.

Sincerely,

*Joan S. Kosson*  
*E. J. Jaynes*  
*Beryl Jaynes*

Mayor Wallace called public hearing no. 4, a request by H & H Associates for a unified business special use permit, to order. The purpose of the permit is to construct two office buildings on Legion Road. Mr. Jennings announced the office buildings were to be on a 3½ acre tract, subdivided out of a 20-acre tract, on the north side of Legion Road. The American Legion hut and the nursing home are to the south of the office buildings. There is some residential development in the area. The front 200 feet of the land to the center line of the road is zoned R-10, and the rest R-20. The land is currently undeveloped. The first phase is a 1.2-acre site, 12,200 sq. ft. of office space and 61 parking spaces. Phase II will be on a 2.3-acre site, 29,800 sq. ft. of office space and 149 parking spaces. A temporary septic tank is proposed for Phase I. The applicant estimates a discharge of 2,600 gallons per day and the town estimates a discharge of 3,000 gallons. Phase II is to be phased with the completion of the wastewater facilities and will connect into the sewer line in Legion Road. Water and electricity are available. The soils on the property are classified as Urban Suitability Groups 4 and 5 on the Orange County Planning Soil Map, a poor rating for septic tank absorption. Access to 15-501 has been obtained and the traffic and parking requirements are met. The crossing to 15-501 is beside the Sunoco Station.

Mayor Wallace requested persons wishing to speak to come forward and be sworn.

Mr. Robert Page (sworn) began the presentation for the applicant by introducing Mr. Glen Corley of Hakan-Corley & Associates. Mr. Corley (sworn) pointed out the access roads on a map. The building materials will be basically wood. The east and west sides of the property are planted in pine trees. Landscaping in the parking lot would be manmade, consisting of planting in the traffic islands.

Mr. Page then introduced Mr. Horn of Kimley-Horn Associates, who had been employed by the applicant to conduct a traffic impact analysis for the office park. Mr. Horn (sworn) stated the road from the parking lot to the access road parallel to 15-501 is aligned with Mt. Moriah Church Road and then swings in a 60° radius to join an existing crossover. The Department of Transportation believes the current median opening should be done away with in the near future; and with the growth of the area, it is probable the intersection at Mt. Moriah Church Road will become signalized. Mr. Horn then presented maps showing the current vehicle count on existing roads and the projected vehicle count on existing and new roads generated by the office park. The impact on 15-501 would be insignificant. The traffic on Legion Road would be almost doubled, but in Mr. Horn's opinion, less than 1,000 vehicles on a two-lane road, with a 60 ft. right-of-way, would still leave considerable capability. It would still be within the residential street category. Mr. Horn submitted the Traffic Impact Analysis to be included in the record.

TRAFFIC IMPACT ANALYSIS  
LEGION ROAD OFFICE PARK  
CHAPEL HILL, N.C.

Prepared for: H&H Associates  
Chapel Hill, N.C.

Prepared by: Kimley-Horn and Associates, Inc.  
Raleigh, West Palm Beach, Nashville

July, 1976



# KIMLEY - HORN and ASSOCIATES, INC.

RALEIGH  
WEST PALM BEACH  
JACKSONVILLE  
NASHVILLE  
NORFOLK

ENGINEERS and PLANNERS  
PLANNING, DESIGN and OPERATIONS

P. O. BOX 33037 • RALEIGH, NORTH CAROLINA 27606  
PHONE (919) 467-6351

July 26, 1976

Mr. Dennis H. Howell  
H & H Associates  
P.O. Box 2386  
Chapel Hill, North Carolina

Ref: Traffic Impact Study for proposed 43,000 sq. ft.  
Legion Road Office Park

Dear Mr. Howell:

In response to your request for a Traffic Impact Study for the proposed Legion Road Office Park, the following findings and comments are provided.

Attached please find the following figures:

Figure 1 - Proposed Site; The site consists of approximately 3.5 acres located on the western side of Legion Road approximately midway between Ephesus Church Road and Henderson Street. The area is suburban or semi-rural in nature. The site is relatively high land with a rolling slope downward toward U.S. Route 15-501.

Legion Road is a paved two-lane secondary state road with a sixty foot right-of-way and in relatively good condition. Ephesus Church Road is a paved two-lane secondary state road intersecting with U.S. Rt. 15-501 at a signalized intersection with turning lanes. Henderson Street is a paved two-lane secondary state road intersecting with the Old Durham Road with stop sign control.

U.S. Route 15-501, north of Eastgate Shopping Center, is a four-lane divided highway with partial control of access. Portions of service roads parallel both sides of the highway where development has occurred and median openings are provided at selected locations. South of the Eastgate Shopping Center and south of the Ephesus Church Road intersection, U.S. Bypass Route 15-501 reverts to a two-lane highway with partial control of access. U.S. Business Route 15-501 enters town by way of North Franklin Street, a four-lane facility with turning lanes, and has signalized control at Eastgate Shopping Center, Elliott Road and at Estes Drive. The Bypass and the Business Route interchange just north of Eastgate Shopping Center.

Additional streets pertinent to the proposed site are the intersection of Mt. Moriah Church Road with U.S. Route 15-501 and the intersection of Old Durham Road with U.S. Route 15-501.



Figure 2 - Site Plan; The proposed site plan consists of two office buildings, one 13,000 sq. ft. and the other 30,000 sq. ft., placed on a 3.5 acre site as shown. Main entrance access would be provided from Legion Road and secondary access would be provided from a new sixty foot right-of-way street connection from Legion Road to U.S. Route 15-501. The proposed new street would connect with an extension of the existing service road along the east side of U.S. Route 15-501. However, if it should become advantageous in the future to combine the two median openings into one median opening at Mt. Moriah Church Road, and/or to extend the service road further northward along the east side of Route 15-501, the proposed new street should be aligned to form a respectable intersection as shown.

Figure 3 - 1975 Average Daily Traffic; The latest Average Daily Traffic Volumes, 1975, are shown for the streets and roads in the impact area. With the exception of North Franklin Street and the U.S. Route 15-501 Bypass, most streets are carrying relatively modest volumes. Ephesus Church Road is an arterial collector serving both residential areas and an elementary school. The major problems in the area occur in the crossing of or the entering into U.S. Route 15-501.

Table 1 - Traffic Generation; Table 1 is a tabulation of the anticipated traffic to be generated by the proposed office complex. It should be noted that the generation rates are realistic for the Chapel Hill area. Due to the modest size of the proposed development, the total traffic generated, 680 total trips daily, is also modest.

Figure 4 - Traffic Distribution; The distribution of traffic to and from the site, in percentages, is depicted in Figure 4. Based upon physical accessibility, convenience of route, distribution of population, and competition of services, it is estimated that 45 percent of the traffic will use North Franklin Street, 35 percent use the 15-501 Bypass, 15 percent use 15-501 North and the remaining 5 percent from local areas to the southeast. Due to the means of ingress and egress, sixty percent will approach the site from south along Legion Road, 25 percent by way of the proposed new street connection to U.S. Route 15-501 and 15 percent from the north along Legion Road. Quantities affecting other links of the system are shown.

Figure 5 - Traffic Impact; The traffic impact on each link of the study area is shown in Figure 5. The bottom number is the existing 1975 traffic volume and the top number is the projected new volume created by the proposed development.

By percentage, the impact is greatest on Legion Road, however, the actual number of vehicles using Legion Road is still extremely modest. The impact on Ephesus Church Road at the Bypass is an additional 187 vehicles in and 187 vehicles out each day. This is approximately a 6.5 percent increase on Ephesus Church Road.

The proposed new street connecting Legion Road to U.S. Route 15-501 will attract approximately 170 daily trips. It is anticipated that, due to the right turn access from the south, a greater percent of vehicles will enter than will exit from this access link.



KIMLEY - HORN and ASSOCIATES, INC.

Summary

In my opinion, the traffic generated by the proposed development on the proposed site with the proposed accesses shown will not create any substantial additional traffic congestion or hazard.

It must be recognized that U.S. Route 15-501 Bypass, south of the Eastgate Shopping Center is currently overloaded with traffic and presents an extremely substandard and hazardous situation. The need to multilane this facility, upgrade signalized intersections with turning lanes and improve the interchange merge conditions is presently, and will continue to be, a high priority need for the Town of Chapel Hill.

Very truly yours,

*John W Horn*

John W. Horn, P.E.  
Executive Vice President

Professional Engineer  
N.C. Registration # 2299

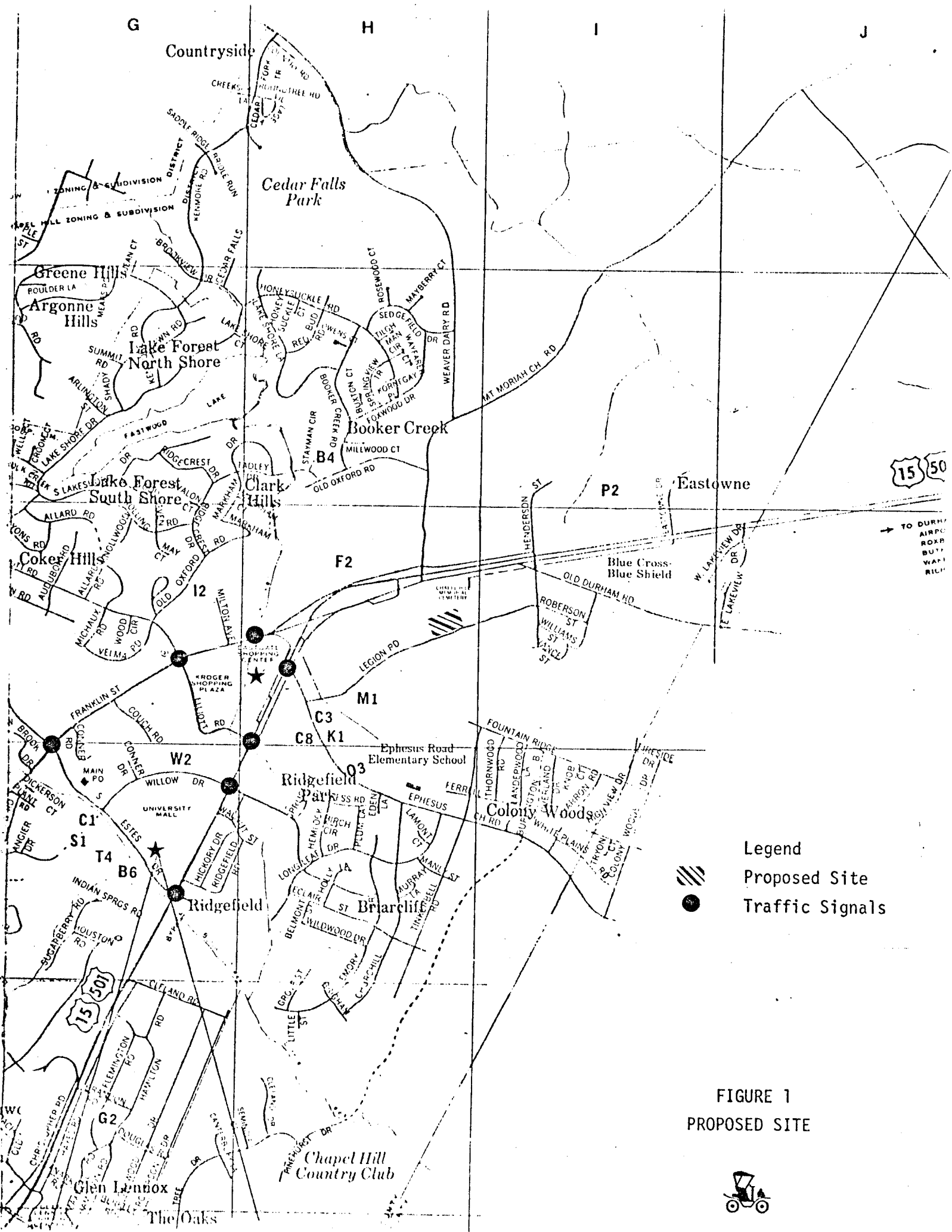


FIGURE 1  
PROPOSED SITE

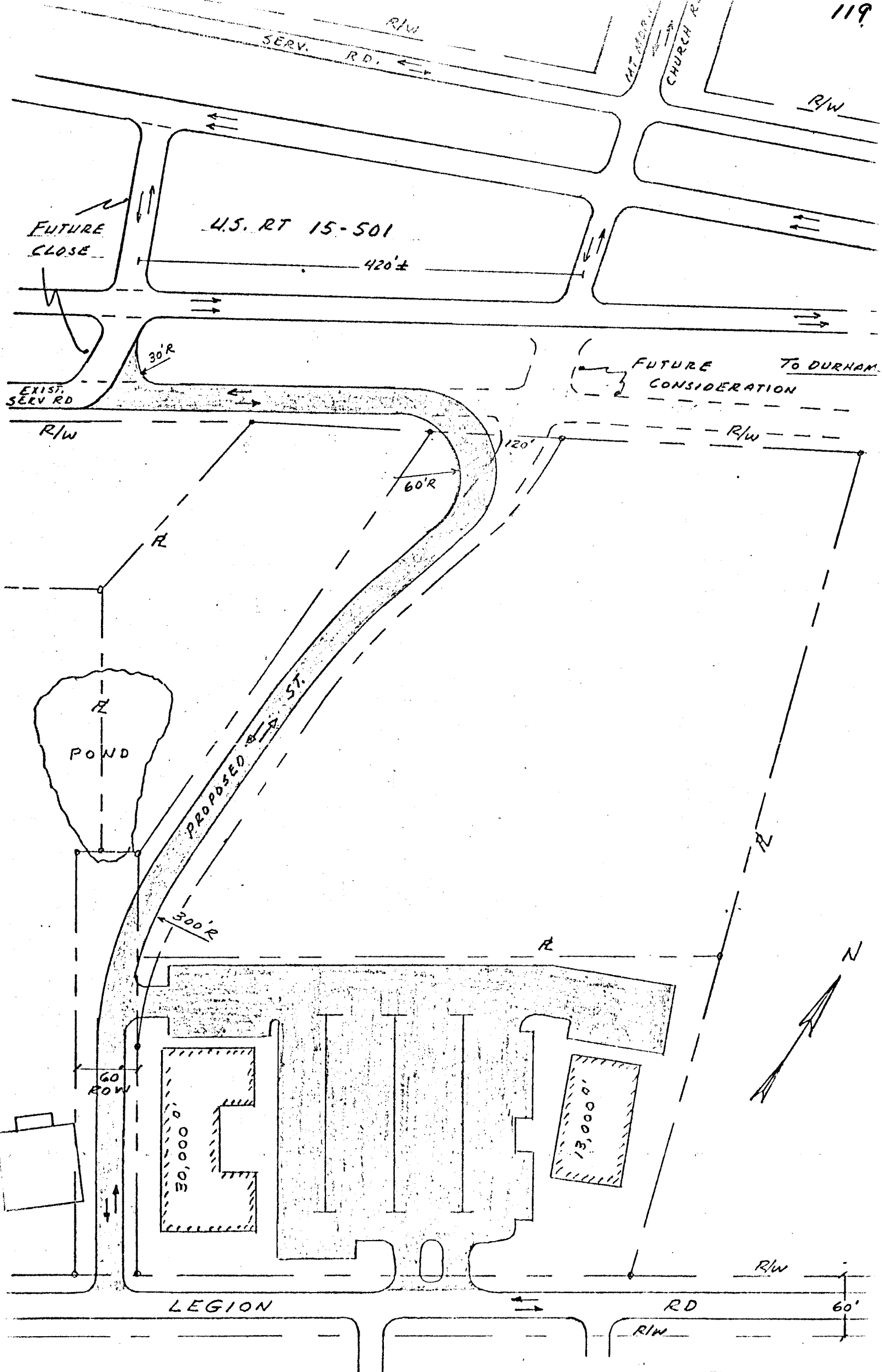


FIGURE 2  
SITE PLAN

Scale 1" = 100' ±





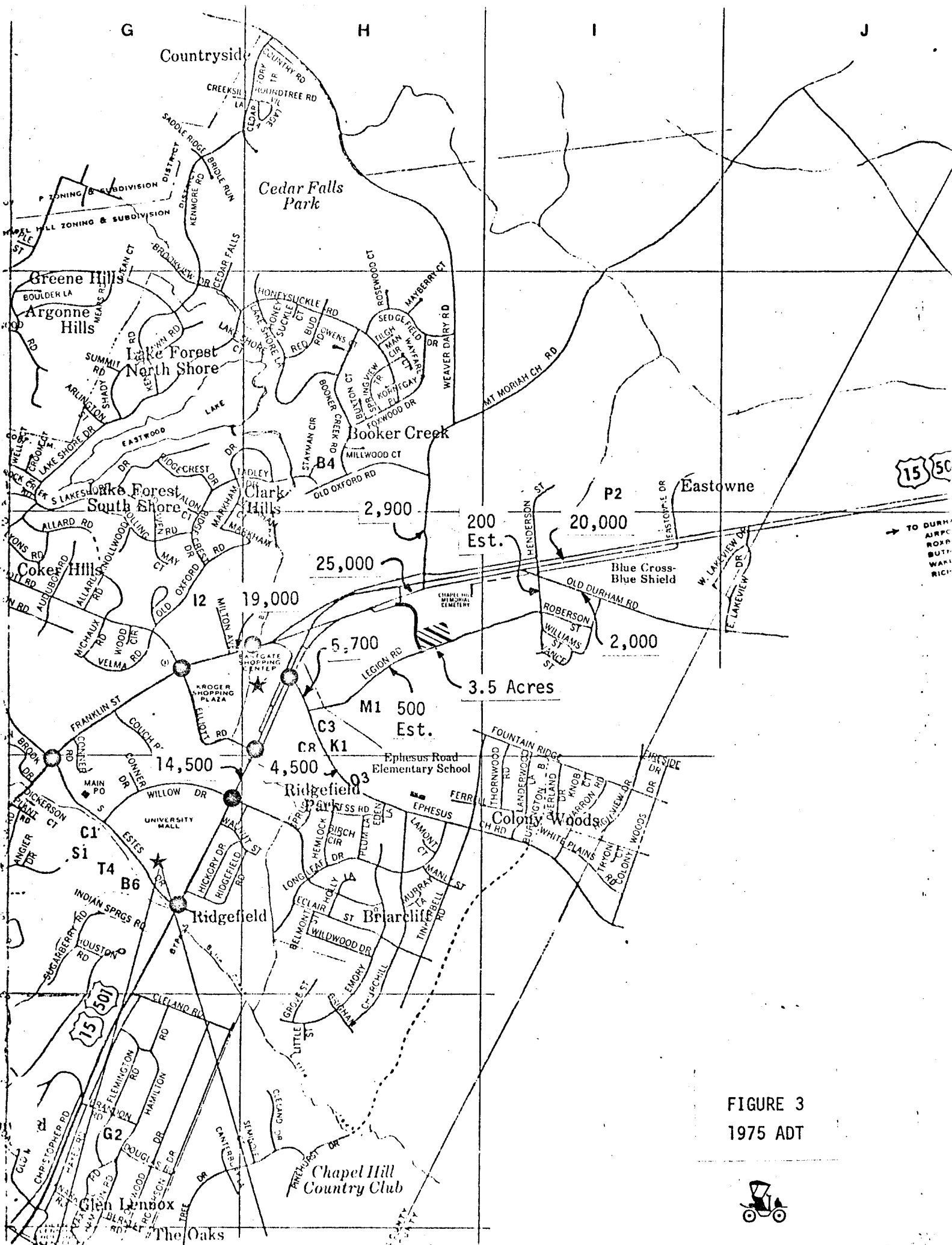


FIGURE 3  
1975 ADT



TABLE 1

TRAFFIC GENERATION

|   |                       |                  |
|---|-----------------------|------------------|
| 13,000 sq. ft. office building including medical services | 20 trips/1000 sq. ft. | 260 trips daily  |
| 30,000 sq. ft. general office building                    | 14 trips/1000 sq. ft. | 420 trips daily  |
| Total   |                       | 680 trips daily* |

\*680 trips daily = 340 trips in and 340 trips out.

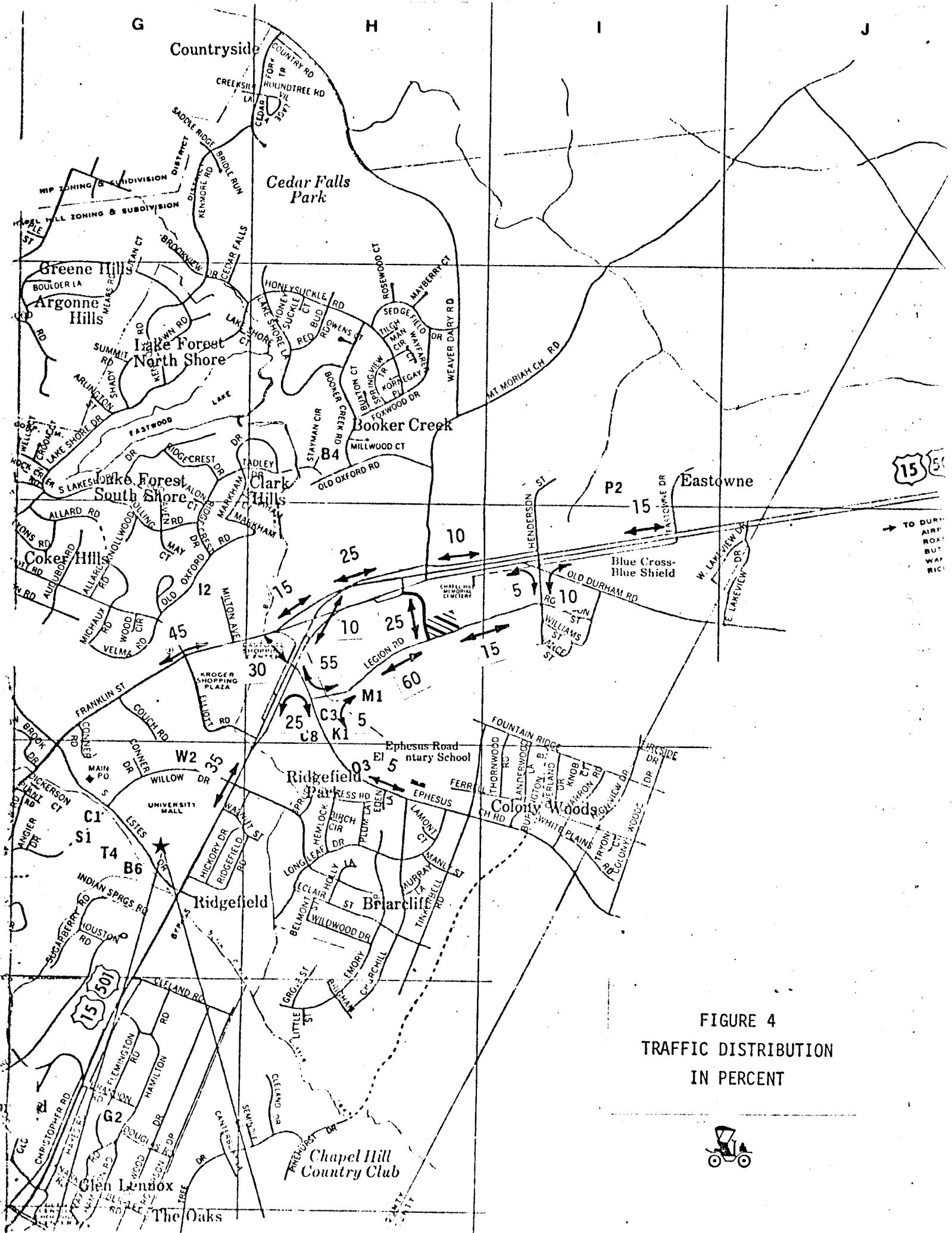


FIGURE 4  
TRAFFIC DISTRIBUTION  
IN PERCENT



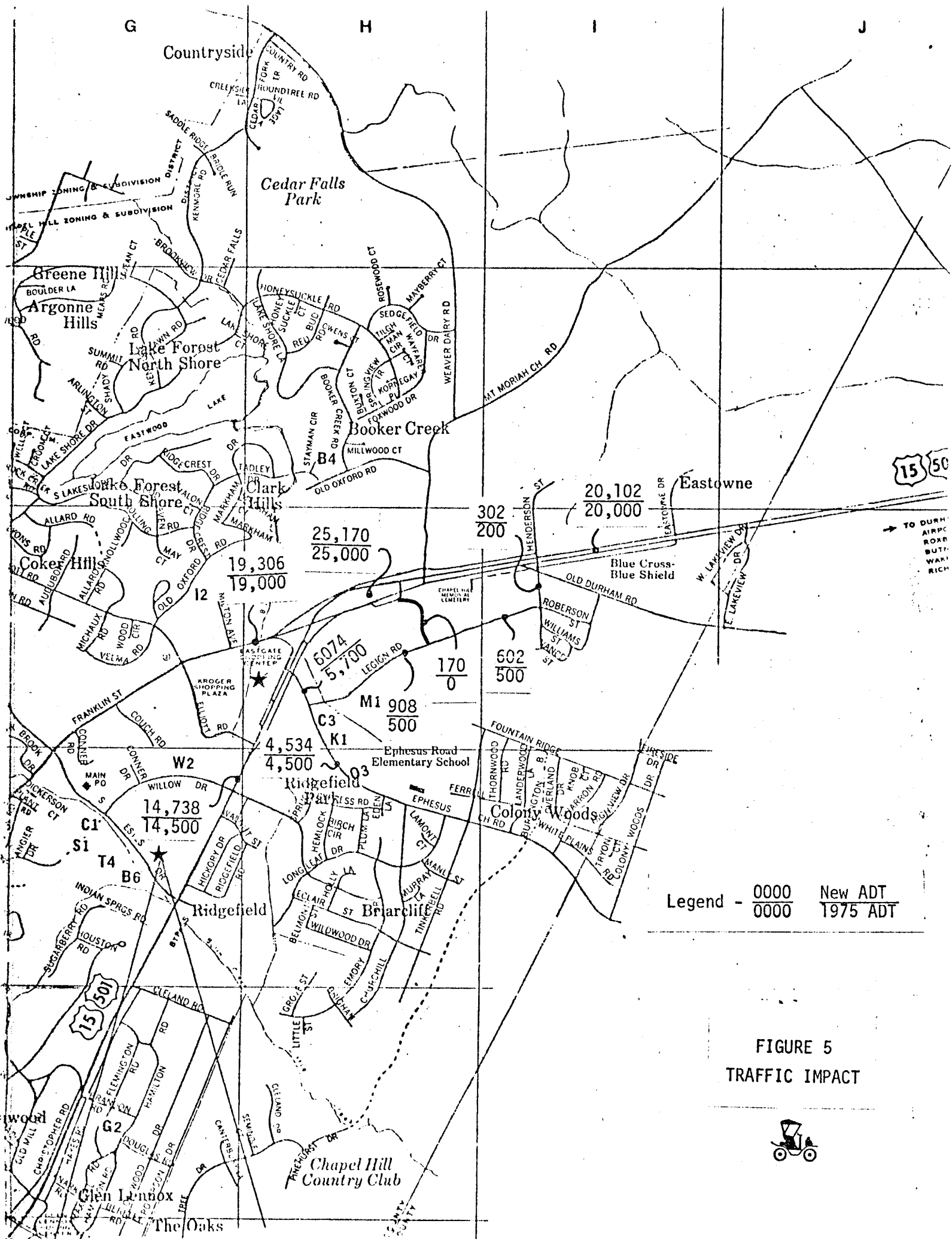


FIGURE 5  
TRAFFIC IMPACT



Mr. Page introduced Mr. Dobson, of the County Health Department, to discuss the percolation test and the feasibility of a septic tank on the property. Mr. Dobson (sworn) stated the lot had been perked, and based on a evaluation of the situation he believed a septic tank permit could be issued. His office projected the discharge from the office park would be 2,600 gallons per day, not the 3,000 gallons the Planning Department projected. Alderman Epting asked Mr. Dobson if he had participated in the soils classification. Mr.

124

Dobson explained that the soils classification was general and he did not think it should be used as a base for any particular test. His evaluation was based on tests on individual lots. Alderman Epting asked for the justification for the soils classification on this lot. Mr. Dobson stated he did not know the reasons for this classification and that he disagreed with the soils scientists classification. Mr. Dobson stated that he does four tests along the absorption line for his evaluation.

Mr. Page stated he had spoken with an official of the New Hope Fire Department and was assured of fire protection. Chief Lloyd of the Chapel Hill Fire Department stated the offices would be in the New Hope Fire District and these volunteers usually responded very quickly and were capable. Chief Lloyd said however, the Chapel Hill Fire Department would not respond to a call unless it was from the New Hope Fire Department. Mr. Glen McFarland, a previous owner, stated the New Hope Fire Department had responded quickly to a fire on the property when he owned it.

Alderman Smith asked for the length of the road to 15-501; it is approximately 800 feet.

Mr. Jennings requested Mr. Horn to estimate the practical capacity of Legion Road, at service level C, in average daily traffic, as presently built. Mr. Horn said it would be limited by the intersection with Epheusus Church Road, the controlling element. There would be a larger volume coming that way. He would estimate 5,000 or 6,000 vehicles, possibly only 4,000 or 5,000. Mr. Jennings asked for a confirmation of the estimation of traffic from this development of 60% towards town on Legion Road, 25% the access road to 15-501, and 15% towards Durham on Legion Road. Mr. Horn stated approximately 5% would go up Legion Road, turn at Old Durham Road and come back toward Chapel Hill. Mr. Jennings asked, if the entire frontage on Legion Road were developed in a similar manner, if the percentages would still apply, given that all structures had access to Legion Road. Mr. Horn answered, with all other factors the same, the percentages would be the same.

Mr. Page stated he believed the use to meet all required conditions and specifications, and the use is permitted in the R-10 and R-20 zoned area. He had asked two realtors to speak on the value of adjoining properties.

Mr. Mel Rashkis (sworn) stated Chapel Hill is in need of additional office space. He added that the downtown area is congested and parking is insufficient. In his opinion the development of peripheral areas should be encouraged; this would not injure the value of adjoining properties. He submitted a letter to be included in the record.

July 24, 1976

Town of Chapel Hill  
306 North Columbia  
Chapel Hill, N. C.

I have been a Realtor in Chapel Hill for the past 11 years and am familiar with the proposed Legion Road Office Park of H & H Associates and the surrounding area.

It is my opinion that, in the event the office complex is built as proposed, the use of this property will not injure the value of the adjoining and abutting property. In fact, the proposed use of said property will increase the property values on Legion Road and substantially help to upgrade the present level of development of this road.

This development will also be an asset to the Town of Chapel Hill as there is a definite need away from the concentrated downtown commercial area in Chapel Hill for this type of development.

Sincerely,

MEL RASHKIS & ASSOCIATES, INC.

*Melvin F. Rashkis*

Melvin F. Rashkis

Mr. Heffner (sworn) stated the project was not inconsistent with other uses in the area and would not be detrimental to land values. He added it would serve as an asset to the area in providing some professional office space away from downtown and readily accessible from Booker Creek, Colony Woods and Briar Cliff, and the Lake Forest area.

Mr. Page had also asked an adjacent property owner to give his opinion; however, as the gentleman was elderly, Mr. Glen McFarland read a letter from his uncle, Mr. Sam McFarland. He stated he thought the development would enhance the area for all property owners.

July 26, 1976

Town of Chapel Hill,

To whom it may concern,

As an adjacent property owner to the proposed

Lejour Road office building,

I think it would enhance the whole area

for all property owners.

I would like to encourage the acceptance of this project,  
yours truly,

Mr & Mrs Sam McFarland

Hickey-Freeman Clothes

Mr. Page stated the Chapel Hill police or the Orange County Sheriff's Department would provide police protection. He then submitted copies of tax receipts showing that the property valuation had increased ten times in the last ten years with no change in use.

OFFICIAL TAX RECEIPT  
1967 TAX

ORANGE COUNTY  
TAX OFFICE  
HILLSBOROUGH, N.C. 27278

BILL NUMBER

5640

| DESCRIPTION  | MAP               | BLOCK    | LOT                  | TRACT        | TOWN-SHIP             | ACCOUNT NO. |
|--|-------------------|----------|----------------------|--------------|-----------------------|-------------|
| S/S US 15-501                                      | 18A               | 27       | F                    | 02           | 3607                  | 7-2 0315100 |
| REAL ESTATE  | PERSONAL PROPERTY |          | TOTAL VALUE PROPERTY |              | COUNTY TAX            | TOTAL DUE   |
| 1815   | 555               |          | 187.5                |              | 187.5                 | 247.24      |
| SCHOOL TAX   | FIRE TAX          | POLL TAX | DOG TAX              | LATE LISTING | INTEREST ON PRINCIPAL | AMOUNT      |
| 54.24  |                   |          |                      |              |                       | 613         |
| L. MC FARLAND<br>1 1/2 TRINITY AVE<br>DURHAM N. C. |                   |          |                      |              |                       | DATE        |
|  |                   |          |                      |              |                       | 1           |
|  |                   |          |                      |              |                       | 2           |
|  |                   |          |                      |              |                       | 3           |

SEE REVERSE SIDE

APR 30 1968

WILLIAM C. THOMPSON  
TAX COLLECTOR

1967 TAX VALUE \$1815  
Taxes Paid \$248.00

FINAL NOTICE/SEE REVERSE SIDE

1974 TAX

ORANGE COUNTY  
TAX OFFICE  
HILLSBOROUGH, N.C. 27278

BILL NUMBER  
RATE CODE

| DESCRIPTION   | ACRES OR LOTS     | MAP          | BLOCK                | LOT          | TRACT      | TOWN-SHIP | ACCOUNT NO. |
|---|-------------------|--------------|----------------------|--------------|------------|-----------|-------------|
| S/S US 15-501   |                   | 18A          | 27                   | F            | 02         | 3607      | 7-2 0776000 |
| REAL ESTATE   | PERSONAL PROPERTY |              | TOTAL VALUE PROPERTY |              | COUNTY TAX | TOTAL DUE |             |
| 182200  | 1985              |              | 184189               |              | 1105.11    | 1758.97   |             |
| SCHOOL TAX  | SPECIAL TAX       | SANITARY TAX | DOG LICENSE          | LATE LISTING | INT/DIS    | AMOUNT    |             |
| 48907   | 18419             |              |                      |              |            |           |             |
| THOMAS C. MCFARLAND<br>1502 CASSANDRA DR<br>DURHAM<br>N. C. |                   |              |                      |              |            | NO.       | DATE        |
|   |                   |              |                      |              |            | 1         |             |
|   |                   |              |                      |              |            | 2         |             |
|   |                   |              |                      |              |            | 3         |             |

SEE REVERSE SIDE

27705

PROPERTY TAXES INCREASED 10 TIMES WITH NO CHANGE IN USE.

Mr. Corley, the architect for the property, stated he believed the project was compatible with the development plan for Chapel Hill. The height of the buildings would be no more than the general height of the surrounding buildings on the outskirts of Chapel Hill.

Mr. Page stated it would be owner occupied, a real estate office, with some professional offices.

Mr. Keiser asked if not allowing the parking lot traffic to empty onto Legion Road, but forcing it onto the access road to the by-pass would in Mr. Horn's opinion be a good or bad plan. Mr. Horn stated he thought it would be bad, that for the size of the development the connection to the by-pass would not

be adequate for all of the traffic. The convenience of using the signal at Ephesus Church Road was much greater than trying to cross 15-501, and this would determine the route of much of the traffic.

Alderman Smith stated he was concerned with the procedures to be followed for sewage connection. If the septic tank failed, the town could not let the development tap on to the sewer.

Mr. Dobson emphasized in his opinion, the septic tank was feasible. Mr. Jennings asked if it was possible for the septic tank to fail within the next five years before the Town could accept the sewage discharge. Mr. Dobson stated that it was possible, but that he estimated the probability of non-failure to be 99% with proper installation and maintenance.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. Mayor Wallace declared that public hearing number 4 was adjourned and public hearing #5, a proposed amendment to the Chapel Hill Zoning Ordinance regarding the parking requirement for uniform business special use development, was in session.

PUBLIC HEARING NO. 5

Mr. Jennings announced that the proposed ordinance had originated with the planning staff. The Planning Board had modified it somewhat before sending it to the Board of Aldermen.

The unified business special use permit requires a parking space for every 200 sq. ft. of building area. This is adequate for a retail commercial structure, but provides more than is frequently needed for an office park. In comparing Chapel Hill's requirement for parking spaces to that of other cities the planning staff found Chapel Hill's to be high. Such a ratio is often unnecessary and frequently conflicts with other town goals such as encouraging a transportation system and proper landscaping. The amendment would reduce the amount of parking required for an office park and require that the extra land be used in landscaping. The amendment as proposed would add the following to the special use section: "The off-street parking requirement may be reduced up to 50% provided: (1) the Board of Aldermen find such reduction justified on the basis of the type of use or characteristics of the structure which will affect the demand for parking generated thereby and (2) that such reduction will not adversely affect the development by causing traffic congestion or other safety hazards, and (3) that the area derived by the application of this provision (i.e. the area which represents the difference between the amount of land area which would be developed for parking by strict application of the normally required ratio, and the land area proposed to be used for parking) be used for the provision of additional landscaping, which shall be located either within or continuous to the parking area. The amendment would not result in a higher intensity of land use, but in more landscaping and less paving. Mr. Jennings then presented two site plans by the developers of Laketree office park, one with the amount of parking now required and one with a reduced parking area allowed under the proposed amendment.

Alderman Smith asked if the reduction in parking would contribute to the use of the transportation system. Mr. Jennings stated it would probably not have a great effect on the bus system; the greatest effect would be in landscaping from parking that is not needed in many cases. Alderman Howes stated he thought this a good plan, but asked if it was possible to avoid adding another discretionary decision to the Board's list. Alderman Gardner suggested that this could be achieved when the Appearance Commission approved the landscaping. that the type of landscaping done was as important as the amount of land used.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Wallace announced that public hearing #5, on the Zoning Text Amendment, was adjourned, and the regular meeting of the Board was in session.

REGULAR MEETING

Minutes

The minutes of the meetings of July 1 and July 12, 1976, were duly considered.



On motion by Alderman Howes, seconded by Alderman Gardner, the minutes of the meeting of July 1 were approved. On motion by Alderman Gardner, seconded by Alderman Vickery, the minutes of July 12 were approved as corrected.

Petitions and Requests

Mr. John Curry, Chairman of the Building Committee of the YMCA, petitioned the Board to be allowed to speak when the subject of the sewer tap-on police came before the Board. He wanted clarification or help in getting a permit for the YMCA building now in the planning stages. Hearing no objection from the Board members, Mayor Wallace gave permission to Mr. Curry (or his designee) to address the Board on Wednesday, July 28, when they considered the sewer policy.

Kroger Plaza Modification - Resolution

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION DENYING A MODIFICATION TO THE KROGER PLAZA SPECIAL USE PERMIT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby denies the proposed modification to the Kroger Plaza special use permit on the grounds that until the developer complies with the Kroger Plaza landscape plan the Board cannot find that the proposed use meets all required conditions and specifications.

This the 26th day of July, 1976.

Alderman Howes asked Mr. Jenne for his reasons for recommending the denial of the modification to the permit. Mr. Jenne stated the planting requirement had been in effect for a number of years, and repeated efforts had been made by the Town to have owners of Kroger Plaza comply with the requirement. The Board had on one other occasion approved a modification to the special use permit conditioned upon the owner's compliance with the requirement. Mr. Jenne stated he could not recommend that the Board make the necessary findings that all of the conditions and specifications had been met. Alderman Howes asked if Mr. Jenne had any indications from the owner as to his plans. Mr. Jenne said the Planning Department was in receipt of a letter from a local nursery indicating the owner had contracted with them to do the planting next fall. Mr. Jenne suggested that modifications might then be granted.

Mr. Jim Marshall, of Foto Express, stated that the owner, Mr. Guinn, had achieved some planting, and had gone so far as to secure a bond to insure that the planting would be done; but the Planning Board turned it down. Mr. Marshall stated the request was consistent with the special use permit. Alderman Howes stated the Foto Express representative was an innocent bystander, but that his recourse was to the owner to get the landscaping finished. Alderman Cohen agreed with Alderman Howes, stating the condition had been on the record for several years. Alderman Vickery called the question. THE MOTION WAS CARRIED UNANIMOUSLY.

Eastowne Office Park Modification - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION DENYING THE MODIFICATION TO THE EASTOWNE OFFICE PARK, PHASE TWO, SPECIAL USE PERMIT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the proposed modifications to the Special Use Permit for Eastowne Office Park, Phase Two, are hereby denied, on the grounds that the proposed office buildings would add wastewater to the Town wastewater treatment system in contravention of the special conditions included in the NPDES permit issued to the Town.

This the 26th day of July, 1976.

Alderman Cohen asked for an explanation as to the difference between the Planning Board's recommendation to approve the modification and the manager's recommendation to deny the modification. Mr. Jenne explained that the Planning Board recommend approval with certain stipulations conditional on the owner securing a variance from the state to the limitations placed on the Town by the NDPEs permit. The original draft of the NDPEs permit had indicated the Town would be limited strictly to the addition of single family housing on existing sewer lines. The staff anticipated that over the five year period

there would be instances where it would be in the best public interest and reasonable to have some variance from this strict policy. They asked the state for a qualifier and the July 1 permit contained a phrase that the restrictions of the permit would apply, except by specific approval by the State Department of Environmental Management. On the basis of this, the Town in cooperation with DEM, set up a process by which the Town could apply to the State DEM on behalf of a property owner to get a variance from the permit limitations, which is assumed would not be used much.

Mr. Jenne stated he believed if the Town was to avoid prejudicing valid claims it must take some responsibility for what was submitted to the State. He therefore believed the town should develop some policy as to what it would submit to the state. He had discussed this with Mr. Pizer, the developer of the Eastowne project. Mr. Jenne stated he thought the office design was good and Mr. Pizer had acted in good faith in moving the current proposal through the Planning Department and Inspections Department based on information given him by the Town. It was pointed out to Mr. Pizer that he had no assurance of getting a tap-on. Mr. Pizer had made arguments for granting the permit based on the impact of the development. The Planning Department had calculated the wastewater loading to be equated to 16 residential units Mr. Pizer had calculated it to be equated to 9 residential units and Mr. Jenne was satisfied that Mr. Pizer's methodology in computing was logical and reasonable. However, because of the inability of the plant to perform to standard, Mr. Jenne could not approve the addition of a multiunit structure outside the corporate limits of the town.

Alderman Howes stated he would like to hear Mr. Pizer's comments. Mr. Pizer related some of the history of the Eastosne Project. In 1968 Blue Cross and Mr. Pizer had agreed to share the cost of extending water and sewer along 15-501 to Eastowne Drive. The town had signed an agreement to reimburse them by sewer tap-on fees over the following ten years. All of the sewer and utility improvements had been donated to the town. Building 1 is 100% rented and Building 2 is approximately 90% rented. In the Spring of 1975, Mr. Pizer had begun the plans for Building 3. In unofficial contact with the Planning Department he had been assured there would not be any problem in tapping-on because this was an already sewered area. They filed a preliminary modification of use permit with the town. The developers proceeded before the Appearance Commission and got approval. They finally got approval from the Planning Board subject to approval by State DEM. Mr. Pizer paid the tap-on fees and inspection fees to the building inspector in May. Mr. Davis had told him the ultimate decision would rest with the State. Based on this information they made the sewer tap and ran a 6" lateral to Buildings 3 and 4. Mr. Pizer stated he was not asking the Town to approve the sewer tap-on, but to ask the state to consider the request for a tap-on. He believed that as the Town had accepted the tap-on fee, they had an obligation to allow him to apply to the state.

Mayor Wallace asked Mr. Jenne if he had made is recommendation on the basis of the directive on the permit. Mr. Jenne stated his recommendation was based on that and several other factors. The Town had received a notification of acceptance from the state on the last permit it had submitted, in which the state had requested a letter from the Town agreeing to accept the wastewater before it would consider the permit. The letters from the Enforcement Division of EPA in Atlanta informed the Town that it was in violation and subject to action at any time. Mr. Jenne hesitated to speculate on what difference the improvements to the plant would make in its capacity.

Alderman Vickery stated he thought the Town had an obligation to allow Mr. Pizer to apply to the state as it had accepted the tap-on fee and led him to believe he would get approval. Mr. Jenne stated Mr. Pizer had been told at the time the tap-on fees had been accepted, that the town could not guarantee a tap-on.

Alderman Howes thought the Eastowne matter should be tabled until the policy for tap-ons was considered on the 28th, or the policy should be considered immediately.

Mayor Wallace stated the state's provision had put responsibility back on the town. Alderman Smith inquired about the penalties for violating the state standards. Mayor Wallace answered that they started low and went up to \$25,000 per day. He didn't think the Town would be fined if DEM approved the permit, and he was in favor of submitting it because it was such a unique case. However, there were other developers who would also be asking the Town for exceptions.

Alderman Vickery asked if there were other applications with the same degree of compliance as Mr. Pizer. Mr. Bill O'Ryan, one of the architects for the project and a member of the Appearance Commission stated he believed this was the only project with sewer which had already been reviewed by the Planning Board and the Appearance Commission. Alderman Smith asked how many projects, already in a sewer area, were similar to this one and would fall into this category. Mr. Jenne called this a difficult question to answer. There were several projects with special use permits which were only partially completed, but none were in Mr. Pizer's situation of having already installed laterals and paid the sewer fees. Alderman Epting stated the case was unique because of the degree of compliance and he didn't foresee this situation coming up again. Mayor Wallace stated that if the Board approved the permit, pressure would be intensified on the manager by other applicants. Alderman Howes said he believed the Board should consider the questions raised by the manager. Alderman Gardner stated for the protection of the Town and the manager, he thought Mr. Denny should pursue the matter of the permit with the state to get clarification. Alderman Vickery called the question. Alderman Howes asked for a point of order, and stated the resolution only denied approval of the permit. He wished Mr. Denny to draw up a resolution. THE RESOLUTION WAS DEFEATED BY A VOTE OF FOUR TO TWO WITH ALDERMEN SMITH AND COHEN SUPPORTING AND ALDERMEN EPTING, GARDNER, HOWES AND VICKERY OPPOSING.

Mr. Denny introduced the following resolution.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the proposed modification to the special use permit for Eastowne Office Park, Phase II, be and the same is hereby approved subject to the following express conditions:

1. That prior to the issuance of a building permit for either buildings 3 or 4, the applicant submit a revised site plan showing off-street parking in compliance with the zoning ordinance.
2. That prior to the issuance of a building permit for either building 3 or 4 the applicant shall obtain authorization from the North Carolina State Department of Natural and Economic Resources for the connection to the sewage collection system.
3. That the buffer zone be modified to permit the location of building 3 within 70 feet of U. S. 15-501 right-of-way, and that two vistas be deleted from the approved site plan.
4. That the sidewalk along Eastowne Drive be completed from the west service drive to the entrance drive behind the apartments prior to the issuance of a certificate of occupancy for either building 3 or 4.
5. That an erosion control plan be approved by the Orange County Erosion Control Office prior to obtaining a grading permit and start of construction.
6. That sanitary sewer easements be dedicated as required by the Town Manager and that plans and profiles of the sanitary sewage and storm drainage facilities meet the town standard be reviewed and approved by the Town Manager prior to the issuance of any building permit for Phase II.
7. That all parking along Eastowne Drive be screened by solid evergreen planting a minimum of three feet high except for five feet on either side of the entrance drives. Such planting shall be shown on the landscape plan.
8. That screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission.
9. That construction commence within two years and be completed within four years, and that as so modified the special use continues to meet the required four findings in connection with the public safety and harmony as set forth in the Zoning Ordinance.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE RESOLUTION BE ADOPTED. THE MOTION WAS CARRIED BY A VOTE OF FOUR TO TWO WITH ALDERMEN EPTING, GARDNER, HOWES AND VICKERY SUPPORTING AND ALDERMAN COHEN AND SMITH OPPOSING.

Marlboro Meadows Preliminary Sketch - Resolution

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DISAPPROVING THE PRELIMINARY SKETCH OF MARLBORO MEADOWS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the preliminary sketch for Marlboro Meadows Subdivision is disapproved on the grounds that said subdivision would require a sanitary sewer line extension in contravention of the special conditions of the State NPDES permit issued to the Town.

This the 26th day of July, 1976.

Mr. Jennings stated that Marlboro Meadows was a previously approved unified housing development which has returned for a subdivision approval. The development is 16.6 acres, divided into 48 lots, all with at least 5,000 sq. feet with the rest of the land in open space. The applicant is requesting approval of a preliminary sketch. He would require a line extension for sewer. The development will be served by the New Hope Fire Department. Lead access is off Legion Road. A pedestrian easement is provided through Ephesus Church Elementary School property. The Planning Board's recommendation was to approve the line extension conditioned upon the State's approval for a sewer permit; however, this was made before the question of the sewer tap-on policy came up. The manager had recommended denial of the preliminary sketch because a line extension in conflict with the NPDES permit would be required. Mr. Jenne did not believe this a border line situation.

Mr. Haken stated he had gone through the planning, relying on the Town's information that approval of the sewer permit would be up to the state. He said this was a residential area of single family units. He asked for the consideration given Mr. Pizer of being allowed to go to the State. Alderman Epting stated there were two differences, this project was five times the size of Eastowne and it would require a line extension permit. ALDERMAN GARDNER MOVED THE QUESTION SECONDED BY ALDERMAN HOWES. THE DISCUSSION WAS CLOSED BY UNANIMOUS VOTE. THE MOTION WAS CARRIED UNANIMOUSLY.

Bus Interior Advertising - Resolution

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN COHEN THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION APPROVING APPROVING AGREEMENT FOR AN INTERIOR BUS ADVERTISING WITH VILLAGE PUBLISHING COMPANY, INC.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager, Kurt J. Jenne, is authorized to enter into a 5-year agreement with Village Publishing Company, Inc. granting Village Publishing Company exclusive interior advertising privileges on buses of the Chapel Hill Transit System in exchange for 15% of the net revenue from such advertising.

This the 26th day of July, 1976.

Alderman Smith asked if the Appearance Commission had seen the proposal. He stated they had had objections to the last proposal for bus advertising and he wished to know if they approved this one.

Mr. Jenne said the Appearance Commission had not seen the proposal, but he believed their objections had been to exterior advertising. The Town accepts certain types of interior bus advertising now, such as that from non-profit organizations. The Transportation Board had given their approval and the Town staff felt the prospect of revenue from this proposal was inviting. Mr. Jenne added the advertisement would not be a detriment to the appearance or the operation of the transportation system, and recommended approval.

Alderman Gardner stated the Transportation Board had opposed bus advertising in the past and asked why they had reversed their position. Mr. Jenne answered that previous proposals had indicated that interior advertising was not very lucrative and the return for the town was not appreciable. It also would have involved work by the Transportation Department employees in replacing and caring for cards. The proposal by Village Graphics eliminates all work by bus employees and as presented is more lucrative. Alderman Gardner asked

if perhaps the advertising should go out for bids. Alderman Cohen asked if political advertising would now be allowed, as it had not been before. Mr. Pappas stated that it seemed to be the wish of the Board that political advertising be allowed. Alderman Cohen questioned what rates would be charged since the contract gives the right to set rates to Village Graphics. Ms. Allison of Village Graphics stated the rates were in line with the national average, and were based on the average ridership per month. The cost for one card per bus would be \$200 per month. This would include production of the card. Village Graphics wants to produce the card not only for revenue, but to control the appearance.

Alderman Cohen questioned the amount charged for a public service card and stated in his opinion this would limit the amount of advertising for public services. Ms. Allison said the \$25 was less than the actual cost of producing the card. She would like to produce the card to maintain control over appearance, but would be willing not to charge anything if the public service organizations brought in their own cards. She was only concerned about the responsibility placed on her for the appearance of the cards, if she was not producing them. She asked for guidelines for defining acceptability. Mayor Wallace suggested this go before the Appearance Commission.

Alderman Cohen again raised the question of \$25 for public service. Ms. Allison asked if he would agree to a stipulation that the public service organizations would not pay if they produced a card acceptable to Ms. Allison and Mr. Pappas; however, if Village Graphics produced the card they would charge. Alderman Cohen agreed. Alderman Howes asked how the number of eight spaces for public service was arrived at. Ms. Allison stated this was based on the number of buses and spaces available. These would be odd spaces left from the advertising packages. Ms. Allison stated she could not guarantee the amount of money the town would get, however she believed it to be a substantial amount. Alderman Cohen moved that the motion be amended by adding the stipulation that the materials guidelines be approved by the Transportation Board and the Appearance Commission. Alderman Howes seconded the motion. Alderman Vickery stated he would abstain because his wife worked for Village Graphics. The following resolution was adopted by a vote of 5 to 0 with ALDERMAN COHEN, EPTING, HOWES, GARDNER, AND SMITH SUPPORTING, AND ALDERMAN VICKERY ABSTAINING.

A RESOLUTION APPROVING AGREEMENT FOR AN INTERIOR BUS ADVERTISING WITH VILLAGE PUBLISHING COMPANY, INC.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager, Kurt J. Jenne, is authorized to enter into a 5-year agreement with Village Publishing Company, Inc. granting Village Publishing Company exclusive interior advertising privileges on buses of the Chapel Hill Transit System in exchange for 15% of the net revenue from such advertising; provided within sixty days the Appearance Commission and the Transportation Board of Chapel Hill are consulted for guidelines for the materials and content of the advertising cards.

This the 26th day of July, 1976.

Fire Lanes - Ordinance

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE CREATING FIRE LANES

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that The Code of Ordinances, Town of Chapel Hill is amended by the addition of a new section 21-20.2, "Fire Lanes" to read as follows:

Section 21-20.2. Fire Lanes

The following areas are hereby declared to be Fire Lanes which have been determined to be necessary to the proper fire protection of the Town of Chapel Hill. Where there is legible instruction at the Fire Lane against parking therein, the Police Department is hereby authorized to remove, tow in, and impound automobiles and vehicles of any kind parked in contravention of this section and to remove any other form of obstruction from said Fire Lanes. The owner shall be responsible for and pay storage and moving costs for any vehicle removed pursuant to the provisions of this section. The police department shall use reasonable diligence to notify the owner of the

removal and storage of such vehicles. This declaration is without prejudice to the Town's right to assert at a later date that said ordinances are public rights-of-way.

The alleyways to which this section applies are:

| Name               | Description   | Length                         | Width  |
|--------------------|---|--------------------------------|--------|
| Amity Court        | Running north from Rosemary Street at a point 600 feet west of Church Street  | 156 ft.                        | 15 ft. |
| Old Fraternity ROW | Running south from Franklin Street at a point 350 feet west of Columbia Street and branching east, parallel to Franklin Street at a point 130 feet south of Franklin Street | 233 ft. south and 200 ft. west | 20 ft. |

This the 26th day of July, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Bond Sale - Resolution

ALDERMAN HOWES MOVED THAT THE FOLLOWING RESOLUTION BE ADOPTED:

WHEREAS, the Local Government Commission of North Carolina has informed the Board of Aldermen that it has sold in the manner prescribed by law the \$250,000 Sanitary Sewer Bonds and \$200,000 Street Bonds, dated June 1, 1976, and that the contract of sale contemplates the bonds shall bear interest as hereinafter provided: NOW, THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, as follows:

The Bonds hereinbefore described shall bear interest as follows:

Bonds payable in each of the years 1977 to 1979, inclusive, 5.50% per annum;

Bonds payable in the year 1980, 5.20% per annum;

Bonds payable in each of the years 1981 to 1987, inclusive, 5% per annum;

Bonds payable in the year 1988, 5.10% per annum;

Bonds payable in the year 1989, 5.20% per annum;

Bonds payable in the year 1990, 5.30% per annum;

Bonds payable in the year 1991, 5.40% per annum; and

Bonds payable in the years 1992 and 1993, 5.50% per annum.

The motion having been duly seconded by Alderman Smith, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Aldermen Cohen, Epting, Howes, Gardner Smith and Vickery

NAYS: None

#### Bond Referendum - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER THAT THE FOLLOWING RESOLUTION BE ADOPTED.

## NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Clerk, David B. Roberts, of the Town of Chapel Hill, is hereby authorized to publish in the name of the Town the following notice:

NOTICE is hereby given of intention of the undersigned to file application with the Local Government Commission, Raleigh, North Carolina for its approval of the issuance of bonds of the Town of Chapel Hill, which bonds shall be subject to approval of the voters of said Town at an election and shall be for the following purposes and in the following maximum amounts:

\$300,000 of bonds to pay the capital costs of acquiring land for the corporate purposes of the Town.

\$1,750,000 of bonds to pay the capital costs of providing and improving streets, sidewalks and bicycle paths, including without limitation paving, grading, resurfacing, widening and reconstruction of streets, construction and reconstruction of sidewalks and bicycle paths and including the acquisition of the necessary land or rights-in-land.

\$2,650,000 of bonds to pay the capital costs of providing and improving recreation facilities, including without limitation construction of a new community center building and swimming pool, reconstruction and renovation of the existing community center building and the construction of athletic fields and other facilities and the acquisition and installation of the equipment and furnishings required therefor.

\$1,400,000 of bonds to pay the capital costs of construction, reconstruction and renovation of a law enforcement and courtroom facilities building complex and parking facilities therefor, including the acquisition and installation of the equipment and furnishings required therefor.

\$150,000 of bonds to pay the capital costs of providing facilities for fire fighting and prevention, including without limitation the construction of a training center and the acquisition and installation of the equipment and furnishings required therefor and the acquisition of land for a fire station.

\$600,000 of bonds to pay the capital costs of construction, reconstruction and relocation of public works buildings and facilities, including without limitation municipal garage, shop and storage facilities and the acquisition and installation of the equipment and furnishings required therefor.

\$3,625,000 of bonds to pay the capital costs of providing and improving facilities for the collection, treatment and disposal of sewage, including without limitation sewer lines and a treatment plant and the acquisition and installation of the equipment and machinery required therefor.

Any citizen or taxpayer of the Town of Chapel Hill objecting to the issuance of any series of said bonds may, within seven days after the date of publication of this notice, file with the Local Government Commission and with the undersigned a written statement setting forth his objections. The statement shall set forth each objection to the proposed bond issues and shall contain the name and address of the person filing it.

BOARD OF ALDERMEN OF THE  
TOWN OF CHAPEL HILL,  
NORTH CAROLINA

BY: /S/ David B. Roberts, Town Clerk

This the 26th day of July, 1976

Alderman Howes suggested an informal meeting be planned to discuss a strategy for getting the bond referendum passed. Alderman Cohen suggested taking up the subject at the August special meeting. THE MOTION WAS CARRIED UNANIMOUSLY.

Agent for Bond Referendum - Resolution

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION APPOINTING AN AGENT TO ACT AS NECESSARY IN THE PREPARATION OF THE NOVEMBER 2, 1976 BOND REFERENDUM

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has adopted the 1976-1977 Town Budget to include a Capital Improvement Program Budget, and

WHEREAS, The Capital Improvement Program Budget has as its recommendations \$10,475,000 in capital improvements for land acquisition, streets and sidewalks, recreation, law enforcement, fire protection, general municipal facilities, and sanitary sewer systems which are subject to voter referendum approval, and

WHEREAS, the "Application for Approval of the Issuance of General Obligation Bonds" must be filed with and accepted for submission to the Local Government Commission, and

WHEREAS, the governing body should adopt a resolution making necessary findings relating to proposed bonds, authorizing filing of the application with the Local Government Commission, and designating an authorized representative,

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that Anthony I. Hooper, Finance Director for the Town of Chapel Hill, be recognized as duly authorized to represent the Board of Aldermen in filing such applications as may be required and coordinating the necessary activities and proceedings between the Local Government Commission and the Town Attorney in preparation of the November 2, 1976 Bond Referendum.

This the 26th day of July, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

State Clean Water Grant - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING A STATE CLEAN WATER GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby accepts the offered grant of \$18,186 from the Pollution Control Account of the North Carolina Clean Water Fund to aid in the construction of 3,840 feet of sewer collector lines (Kings Mill II), and that the Board authorizes Kurt J. Jenne, Town Manager of the Town of Chapel Hill to sign the notice of acceptance and the required assurances on behalf of the Town.

This the 26th day of July, 1976.



THE MOTION WAS CARRIED UNANIMOUSLY.

Railroad Crossing Markers - Resolution

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING INSTALLATION OF RAILROAD CROSSING MARKERS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the installation of termoplastic railroad crossing markers by agents of the North Carolina Department of Transportation at locations in the Town determined by said department.

This the 26th day of July, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Planning Board - Appointment

The Planning Board submitted the names of Bill Bayliss and Robert Fasick in nomination for the vacancy created by the expiration of the term of Charles Weiss. ALDERMAN COHEN MOVED TO SUSPEND THE RULES AND CONSIDER THE NOMINATIONS AT THE CONTINUED MEETING ON JULY 28. ALDERMAN GARDNER SECONDED, AND THE MOTION WAS CARRIED UNANIMOUSLY.

Special Meeting for Adoption of Bond Order

The manager recommended the special meeting be set for August 16, at 7:30 p.m. There was no objection to the date.

Alderman Howes stated he could not be at the continuance of the meeting on July 28, and requested the Board to excuse him. ON MOTION BY ALDERMAN COHEN, SECONDED BY ALDERMAN SMITH, ALDERMAN HOWES REQUEST WAS GRANTED.

Mayor Wallace declared the meeting in recess until July 28, 7:00 p.m.

July 28, 1976

Mayor Wallace reconvened the regular meeting of the Board at 7:10 p.m. Aldermen Marshall and Silver were now present, but Alderman Howes had been excused.

Mayor Wallace announced that the sequence of items had been altered. The first five items now on the agenda were water-related.

Report on 201 Facilities

Mayor Wallace reported that Durham City officials had met with DEM and made a presentation to Mr. Knight, Director of DEM. The position of Durham was that it should be permitted to proceed with the facilities plan. There are three chapters to be completed. The question was one put before the Board earlier, of whether a 21 million gallon facility would be more cost effective without a difference in the impact on the environment. Chapel Hill representatives believed that 9 - 12 million gallon facilities, although not as cost effective, would have less impact on the environment, and had been seeking data to support this view. With time pressing, Durham had asked Mr. Knight if they could complete the plans for the 21 million gallon facility while Chapel Hill proceeded on its own to gather information for its alternative. Mr. Knight had informed them that, in his judgment, it was not necessary that all governments involved select a single alternative at this time. He believed it would be sufficient if Durham adopted a resolution stating that it felt the 21 million gallon facility to be most cost effective, but it would accept the alternative to be determined in the review process by DEM and EPA to be both cost effective and environmentally sound. Mayor Wallace had spoken with Mr. Knight and had been told the same thing, that there would be no prejudice in this process if they went forward with the completion of the plan and Chapel Hill proceeded to gather information and forward it. Chapel Hill's data would be considered as a part of the review process. He added that DEM could not approve the 21 million gallon facility without scrutiny of the 9 - 12 million gallon facilities. Mr. Knight had suggested that Chapel Hill adopt the decision of DEM and EPA. In adopting these resolutions and proceeding the two parties will avoid delay in the processing of the plans. Durham is generating content for the remaining 3 chapters. Chapel Hill will have to make input into one of these chapters, the chapter on implementability. It is left for Chapel Hill to adopt the resolution agreeing to accept the alternative of DEM and authorize the expenditure of funds for the information. DEM refers its conclusion to Atlanta. Mr. Knight feels

EPA will accept this arrangement. EPA has emphasized cost effectiveness; however, Mr. Knight will not accept cost effectiveness without environmental soundness. Chapel Hill then faces the problem of the generation of environmental material. There also needs to be sketch plans for the 9 and 12 facilities. If the 12 million gallon facility is built Piet Engineers of Durham would take care of it, and Olson Engineers would do the 9 million gallon facility. Rose, Pridgen and Freemon would continue the study begun by John McAdams. Mayor Wallace then introduced the following resolution.

A RESOLUTION CONCERNING IMPLEMENTATION OF 201 FACILITIES PLAN

WHEREAS, P. L. 92-500, through the provisions of Section 201, requires local governments to prepare facilities plans to determine the most cost effective and environmentally sound solution to a wastewater treatment problem in order that the units of government be eligible to receive federal construction grant funds; and

WHEREAS, The Town of Chapel Hill is participating in the preparation of such a plan for the designated planning area; and

WHEREAS, the facilities plan prepared by the consultants tends to indicate the most cost effective solution to be the construction of one regional facility having a design capacity of 21 million gallons per day; and

WHEREAS, The Town of Chapel Hill considers the alternative which includes construction of two plants, one of 9 million gallons capacity and the other 12 million gallons capacity to be equally cost effective, and more environmentally sound.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, that the Town hereby expresses its intent to participate in the implementation of that alternative found by the review and approval process to be most cost effective and environmentally sound.

This the 28th day of July, 1976.

Alderman Marshall stated she supported the 2 plant concept because she didn't like the environmental impact of the large pipes for one plant and because of foreseeable difficulties in implementing the Orange Water and Sewer Authority and selling bonds. Her concern however, was the expenditure of funds. She wished to know if Chapel Hill would be contributing to the financing of the 21 million gallon facility by working with Piet. Mr. Jenne stated that the three engineers working on the plan overran the original contract cost about September of last year. All work done since has been gratis. The major part of the work done is polishing the report would be done by Piet. The original contract called for one alternative, and he did not know whether Durham would be willing to pay more on a contract already overrun or not. However, Mr. Jenne felt that since the parallel polishing report for the 9 - 12 facilities was outside of the original contract, that the town should pay Olsen and Rose, Pridgen and Freemon for the work.

Alderman Marshall asked if Chapel Hill's alternative was accepted by EPA, would the cost of the parallel report be a part of the total project or would Chapel Hill still pay for it. Mr. Jenne stated it would not be paid for under the total project cost.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, THAT THE RESOLUTION BE ADOPTED Alderman Gardner asked Mr. McAdams to relate his comments and feelings to the Board. Mr. McAdams stated in the report prepared by the engineers the cost was marginally in favor of the 21 million gallon facility. Ideally, the governments involved would select one plan and approach the remainder of the plan in unanimity, spelling out all the steps involved in implementation, and giving more details and sketches of what would be designed and more details of cost and cost estimates. The original contract involved one plan, however, two are now envisioned. The additional work will be that performed for the plan not chosen. He stated he did not know how the town would get the money back if its plan was chosen and perhaps it was best just to accept the expenditure because they thought they were right. The plan submitted will show two fully developed alternatives and leave it to the regulatory agencies to assess the merits of both plans. Mayor Wallace stated that in adopting the resolution, the Board would be allowing the plan to go forward without designating a unanimous selection and, would be giving themselves time to develop the information they felt was needed. In doing so, they were assuming the burden of developing and paying for the information. Mayor Wallace stated he believed it was

138

worth the amount of money to insure the citizens of Chapel Hill that they had been looked after. Alderman Marshall asked if it would be possible for the engineers to keep the Authority abreast of happenings, because they were to take over soon. Mr. McAdams stated they would be in contact with the Authority. He added that there were advantages and disadvantages to the resolution. They would get the project moving but he could not guarantee that his report would convince the EPA the two-plant concept was best.

Alderman Marshall asked if the town was putting in enough so that there was less chance of the State giving a negative environmental impact statement. Mayor Wallace stated if the environmental material was not there, the Secretary of State would not issue the negative statement, and the environmental impact statement would be put first. This could take a year or more; therefore the work should be done. The only part in the position of doing the work is Chapel Hill. He believed if the information was submitted, it would heighten the chances of getting a negative impact statement.

ALDERMAN SILVER MOVED TO AMEND THE RESOLUTION BY INSERTING THE NUMBERS 1 AND 2 AND THE WORD "MOST" SO THAT THE LAST PARAGRAPH WOULD READ:

"NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, that the Town hereby expresses its intent to participate in the implementation of that alternative found by the review and approval process to be (1) most cost effective and (2) most environmentally sound."

Alderman Marshall stated this would make them mutually exclusive. Alderman Vickery and Mayor Wallace agreed. Alderman Silver amended his motion to leave out the word most in the sentence, to read:

"NOW, THEREFORE BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, that the Town hereby expresses its intent to participate in the implementation of that alternative found by the review and approval process to be (1) cost effective and (2) environmentally sound."

ALDERMAN GARDNER SECONDED THE MOTION. ALDERMAN SMITH AND COHEN ACCEPTED THE AMENDMENT. THE MOTION TO AMEND WAS CARRIED BY A VOTE OF FOUR TO THREE WITH ALDERMEN GARDNER, VICKERY, EPTING AND SILVER SUPPORTING AND ALDERMAN MARSHALL, COHEN AND SMITH OPPOSING. THE FOLLOWING RESOLUTION WAS THEN ADOPTED BY UNANIMOUS VOTE:

#### A RESOLUTION CONCERNING IMPLEMENTATION OF 201 FACILITIES PLAN

WHEREAS, P. L. 92-500, through the provisions of Section 201, requires local governments to prepare facilities plans to determine the most cost effective and environmentally sound solution to a wastewater treatment problem in order that the units of government be eligible to receive federal construction grant funds; and

WHEREAS, The Town of Chapel Hill is participating in the preparation of such a plan for the designated planning area; and

WHEREAS, the facilities plan prepared by the consultants tends to indicate the most cost effective solution to be the construction of one regional facility having a design capacity of 21 million gallons per day; and

WHEREAS, The Town of Chapel Hill considers the alternative which includes construction of two plants, one of 9 million gallons capacity and the other 12 million gallons capacity to be equally cost effective, and more environmentally sound.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, that the Town hereby expresses its intent to participate in the implementation of that alternative found by the review and approval process to be 1) cost effective and 2) environmentally sound.

This the 28th day of July, 1976.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN MARSHALL ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS TO DEVELOP INFORMATION RELEVANT TO THE EXPENDITURE OF FUNDS FOR PREPARATION OF SECTION 201 ALTERNATIVES

WHEREAS, it is necessary that additional engineering and environmental information be developed in order to realistically assess the alternatives in the Section 201 facilities plan, and

WHEREAS, it is necessary that engineers and consultants be employed to develop such information.

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it authorizes and directs the Town Manager to expend such funds as he deems reasonable and necessary in the collection and presentation of such evidence relative to evaluating the cost effectiveness and environmental soundness of the 9 and 12 mgd alternative in relation to the 21 mgd alternative.

This the 28th day of July, 1976.

Alderman Vickery stated he wanted to explore the possibilities of the 9 - 12 million gallon facilities; however, he did not want to give the Town Manager a blank check. He asked for specific terms of reference for the additional work, with a cost estimate for the work. He stated this would only take a few days and suggested that it be considered at the August 16 meeting.

Mayor Wallace stated the August 16 meeting would be too late. Alderman Smith said the town must pay for the information to fight for the 9 - 12 million gallon facilities if it wanted these. The Manager had said it would not be expensive and was willing to accept the manager's judgment. He added that when he couldn't accept the manager's word, he would make another move. Alderman Vickery stated he didn't believe it was too late, that he believed it would be instructional to the Board to know what additional information it would be getting. Alderman Smith stated he was concerned with the time. The report must be ready when Durham submitted its report. He suggested the engineers could keep the Board members informed. Alderman Gardner agreed with Alderman Smith that the Board couldn't wait. The resolution called for reasonable and necessary funds, and Alderman Gardner suggested the manager and Mr. McAdams could explain their discussion of "reasonable and necessary." Mr. McAdams stated they had had no discussions. He thought that Rose, Pridgen and Freeman could do the work under the original contract. Alderman Marshall suggested the Board authorize the funds and direct the manager to supervise. Then when the manager gave his quarterly report, if the Board was not satisfied it could take action. However, she believed this action to be within the Town Manager form of government. ALDERMAN COHEM MOVED TO AMEND THE RESOLUTION BY ADDING A SENTENCE:

"The Manager shall report to the Board at the August 16 meeting on the implementation of this resolution."

ALDERMAN SMITH SECONDED THE MOTION. Alderman Gardner said Alderman Vickery was not criticizing the manager, but the amendment gave credit to criticism of the manager. Alderman Vickery added the time for the input of the Board was prior to the work being done; the Board should be satisfied the instructions given to the engineers accurately reflect the Board's concept of the additional work being done. Mayor Wallace asked if Alderman Vickery would be willing to discuss this with the Town Manager and offer his advice. Alderman Vickery stated he would discuss it with the manager, but he thought the entire Board should be involved. Alderman Smith said DEM had already instructed the town as to the type of information it wanted and this was what the engineers and the town must give DEM, no matter what it cost. Mayor Wallace stated he had no objection to a report on the 16th. Alderman Cohen agreed with Alderman Smith that the town already knew what information was needed. Mayor Wallace asked Mr. Jenne to go over the items that would be in the report. Mr. Jenne said he would outline the remaining chapters. The work involved the completion of three chapters. Chapter 9, entitled "Plan Selections," includes the views of the public and concerned interests, a re-evaluation of the evaluation table contained in Chapter 7, and the reasons for each selected plan rather than its alternative. Chapter 10 includes a description of the selected plans and maps, phasing of development, operation and maintenance requirements, cost estimates, a summary of the environmental effects, and a summary of public participation. Chapter 11, "Implementation", consists of (1) institutional responsibilities, (2) implementation steps, (3) construction implementation schedule, (4) financial requirements, and (5) continuing data collection and monitoring. The question of the amendment was on the floor. The amendment was defeated by a vote of six to one with Alderman Epting supporting and Aldermen Cohen, Gardner, Marshall, Silver, Smith and Vickery opposing. The resolution was adopted by a vote of six to one with Aldermen Cohen, Epting, Gardner, Marshall, Silver and Smith supporting and Alderman Vickery opposing.

Water and Sewer Authority - Report

Alderman Epting reported that the Water and Sewer Authority had continued to meet weekly. Three committees had been informed, each of which also met weekly before the whole Authority meeting. Alderman Marshall is a member of the Personnel and Operations Committee, Alderman Epting is a member of the Legal Committee and Alderman Howes is a member of the financial committee. The Legal Committee is reviewing the purchase and sale agreement, and has been waiting for Carrboro to sign its agreement. On July 27, Carrboro had signed its agreement including language to prevent the Authority from acting arbitrarily or capriciously to deny Carrboro any service so long as there is capacity in treatment plant. Alderman Epting asked Mr. Denny if Chapel Hill's contract needed to be amended. Mr. Denny replied that he had copies of the amended contract ready for the Aldermen to consider. Alderman Cohen asked if the Board was expected to act on a resolution to sign the contract at this meeting. Alderman Epting explained that the Authority's contract with the University was to be signed on the 29th, and then all agreements could be transmitted to Mr. Lake if Chapel Hill had signed. Mr. Lake would then review the documents for the August 13 meeting of the Council of State. Alderman Epting stated a resolution had been passed with respect to compensating members at a rate of \$20 per meeting with a maximum of \$2,000 per year. They are also considering adopting a reimbursement of expenses policy. Alderman Epting added that he would like to take a check for Chapel Hill's loan to the Authority meeting on the 29th.

Alderman Marshall then reported on her committee. She stated first that Mr. Hurow was Chairman of the Finances and Engineering Committee and Mr. Waters serves on that committee. The Personnel and Operations Committee is working on a new personnel manual. They are updating the payscale taking into account what the State did for its employees and what Chapel Hill does for its employees. They are considering a plan for a full-time personnel director for the first year or two to get the manual written and to get the Authority started on personnel matters. They are planning on all-day meeting in which Ms. Gantt will speak to the Authority on what a modern personnel plan involves. The Operations part of the committee is how the plant is operated. Mr. Billingsley made lists of what decisions had to be made before the closing date. Price, Waterhouse also has a list of what has to be concluded.

Alderman Vickery questioned the payment of town appointed members to a committee and suggested the policy of payment to any board or committee member should be discussed. Alderman Epting stated that payment for Authority members was in the statutory authority of the Authority. Alderman Cohen suggested payment of committee members should be considered in the Board's study on organization, however the Authority was a separate body.

Mr. Denny stated that generally authority members are not compensated, such as the Housing Authority. However, when the Water and Sewer Authority was formed, they had asked for a amendment allowing compensation.

Mr. Denny stated he would like to go over the changes in the contract, of which there had been three main ones. The first was in the main extension policy. The second area was in rates. The first paragraph in the rate section has omitted the reference to service. The only significant change was that involving sewer extensions by either town in the future. It has been changed to allow each town to add sewer lines at its own cost, without the permission of the Authority, and the Authority would agree to accept and maintain the lines when deeded them. Mr. Denny stated he did not know if bond counsel had approved of this provision. Alderman Epting stated the third change had not been disclosed to the Legal Committee. Mr. Denny said this change was in the draft he had received on July 23 and was in the copy that Carrboro had approved. Alderman Smith stated he did not like the change, that he thought towns should need the concurrence of the Authority to extend lines. Mr. Denny stated he did not think it would be a problem. Alderman Marshall asked if a meeting could be set before or after the work session scheduled for the 29th, so that the Legal Committee could discuss the change and Alderman Epting could report on their meeting. She stated she could not accept the change as she had not had time to consider it. Alderman Vickery stated he was not in favor of letting Carrboro deliver as much as it wanted to the treatment plant, but he did not interpret the language to mean that the Authority had to open line extensions to the treatment plant. Alderman Epting disagreed with this interpretation. Alderman Cohen and Smith supported Alderman Epting's view that under this change the Authority would have to connect the lines to the treatment plant. Mr. Denny stated his interpretation also was connection of the lines with the plant. Mayor Wallace stated the sentence

would not have meaning unless the Authority accepted the discharge and the plant had the capability to accept it. Alderman Epting stated this language had not been approved by the Authority. Alderman Vickery suggested additional working that the plant have the capacity to accept additional discharge. Alderman Cohen stated the plant couldn't take more unless the State approved it. Mayor Wallace stated he would like the Legal Committee to consider the legal aspects and report to the Board. Alderman Silver asked if approval of this language was a meaningless exercise without bond counsel's approval. Mr. Denny stated that bond counsel might not approve, but that he did not think they would object. Mayor Wallace asked if the matter could be deferred until the 29th and another meeting called. Alderman Smith moved to deferred until the 29th, and Mr. Denny was directed to call bond counsel to see if they approved the language. Hearing no objection Mayor Wallace announced the meeting was deferred.

Water Shortage - Ordinance

Mr. Denny stated that Mr. Culbreth, Director of the University Utilities, has requested the towns of Carrboro and Chapel Hill to consider the following resolution giving the Mayor authority to declare a state of emergency and place restrictions on the use of water.

AN ORDINANCE TO LIMIT THE USE OF WATER DURING AN EMERGENCY

WHEREAS, there exists a shortage of water for the Town of Chapel Hill causing a substantial reduction in the reserve supply of water, and

WHEREAS, such supply may be reduced to such a point that an emergency exists, which may seriously threaten the health and safety of the residents of the Town, and

WHEREAS, it is essential for the protection of the health and safety of the citizens of Chapel Hill that restrictive measures be imposed upon the use of water supplied within the Town of Chapel Hill, and the surrounding territory through the facilities of the University of North Carolina at Chapel Hill in the event the reserve supply reaches abnormal or critical levels.

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

SECTION I

- A. A state of emergency shall be deemed to exist when the reserve supply of water available through the facilities of the University of North Carolina shall have reached the point where the reserve supply has been so reduced that the citizens cannot be supplied with water to protect their health and safety without curtailing substantially the water demand.
- B. In the event of an existing or threatened state of emergency in the Town water supply threatening the health and safety of the citizens of the Town, the Mayor of the Town of Chapel Hill is authorized and empowered to issue a public proclamation declaring to all persons the existence of such state of emergency and in order to more effectively protect the health and safety of the people within the Town of Chapel Hill to place in effect the restrictive provisions hereinafter authorized.
- C. In the event the Mayor issues such public proclamation described in Paragraph B., then and in that event it shall be unlawful for any person, firm, or corporation to use, or permit the use of water from the water system within the Town of Chapel Hill supplied through the University of North Carolina at Chapel Hill facilities for any of the following purposes until such time as this Ordinance be amended or repealed or until the Mayor, by public proclamation, has declared this provision no longer in effect:
  - 1. To water or sprinkle any lawns, shrubs, yards, streets, sidewalks or to use water for other similar purpose.
  - 2. To operate any air conditioning system which does not recover and reuse the water in connection therewith, provided this restriction shall not apply to the use of water in connection with refrigeration for the preservation of perishable foods.

- 142
3. To use water for any unnecessary purpose or to intentionally waste water.

## SECTION II

Any violation of the provisions of this Ordinance shall constitute a misdemeanor punishable upon conviction by a fine not exceeding FIFTY DOLLARS (\$50.00), or imprisonment not exceeding thirty (30) days as provided by General Statutes Section 14-4, or by injunction as provided in General Statutes Section 160A-175.

## SECTION III

Pursuant to the provisions of General Statutes Section 160A-193, this Ordinance may be enforced outside the corporate limits of the Town of Chapel Hill and within one (1) mile thereof.

## SECTION IV

All Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

This the 28th day of July, 1976.

He asked that this be done now because it would be difficult to get a quorum of the Board if the situation suddenly reached the emergency state during August. It was also to be done so that the Ordinances for Carrboro and Chapel Hill would be in effect at the same time. The resolution was to take care of all legislative action required by the Board but left the date open for findings of fact by the Mayor. Alderman Cohen asked why car washing was left out. Mr. Denny stated this was because in 1968 during the last emergency, prohibiting car washing had wrecked economic havoc among the car wash businesses. Alderman Cohen believed the Mayor should also have the authority to ban car washing if the situation got that bad. Alderman Marshall stated she thought private car washing should be prevented. She also asked who made the value judgment on what was wasting water. Mr. Denny stated this would be hard to support legally but he hoped it would have an effect on residents. ALDERMAN SMITH MOVED SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE RESOLUTION. Mayor Wallace asked if the ordinance included vegetable gardens. Mr. Denny stated they were included but were specifically left out so that the ordinance would not be too detailed. Alderman Epting suggested the ordinance might not survive a constitutional challenge because of the vagueness of the third paragraph. Mr. Denny then amended the ordinance to read as follows:

### AN ORDINANCE TO LIMIT THE USE OF WATER DURING AN EMERGENCY

WHEREAS, there exist a shortage of water for the Town of Chapel Hill causing a substantial reduction in the reserve supply of water, and

WHEREAS, such supply may be reduced to such a point that an emergency exist, which may seriously threaten the health and safety of the residents of the Town, and

WHEREAS, it is essential for the protection of the health and safety of the citizens of Chapel Hill that restrictive measures be imposed upon the use of water supplied within the Town of Chapel Hill, and the surrounding territory through the facilities of the University of North Carolina at Chapel Hill in the event the reserve supply reaches abnormal or critical levels.

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

## SECTION I

- A. A state of emergency shall be deemed to exist when the reserve supply of water available through the facilities of the University of North Carolina shall have reached the point where the reserve supply has been so reduced that the citizens cannot be supplied

with water to protect their health and safety without curtailing substantially the water demand.

- B. In the event of an existing or threatened state of emergency in the Town water supply threatening the health and safety of the citizens of the Town, the Mayor of the Town of Chapel Hill is authorized and empowered to issue a public proclamation declaring to all persons the existence of such state of emergency and in order to more effectively protect the health and safety of the people within the Town of Chapel Hill to place in effect the restrictive provisions hereinafter authorized.
- C. In the event the Mayor issues such public proclamation described in Paragraph B., then and in that event it shall be unlawful for any person, firm, or corporation to use, or permit the use of water from the water system within the Town of Chapel Hill supplied through the University of North Carolina at Chapel Hill facilities for any of the following purposes until such time as this Ordinance be amended or repealed or until the Mayor, by public proclamation, has declared this provision no longer in effect:
  - 1. To water or sprinkle any lawns, shrubs, yards, streets, sidewalks or to use water for other similar purpose.
  - 2. To operate any air conditioning system which does not recover and reuse the water in connection therewith, provided this restriction shall not apply to the use of water in connection with refrigeration for the preservation of perishable foods.
  - 3. To use water for any unnecessary purpose or to intentionally waste water.

SECTION II

Any violation of the provisions of this Ordinance shall constitute a misdemeanor punishable upon conviction by a fine not exceeding FIFTY DOLLARS (\$50.00), or imprisonment not exceeding thirty (30) days as provided by General Statutes Section 14-4, or by injunction as provided in General Statutes Section 160A-175.

SECTION III

Pursuant to the provisions of General Statutes Section 160A-193, this Ordinance may be enforced outside the corporate limits of the Town of Chapel Hill and within one (1) mile thereof.

SECTION IV

If any section, subdivision, clause or provision of this article shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision to be adjudged, and the remainder of the article shall be deemed valid and effective.

SECTION V

All Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

This the 28th day of July, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Cohen suggested that it be publicized that this ordinance applied outside of the corporate limits of the town.

Processing of Development Applications While Current State NPDES Permit is in Effect - Resolution

Mr. Jenne introduced the following resolution and reiterated his comments first made on the 26th regarding the treatment plant.



A RESOLUTION WITH RESPECT TO THE PROCESSING OF DEVELOPMENT APPLICATIONS WHILE CURRENT STATE NPDES PERMIT IS IN EFFECT

WHEREAS, the Town of Chapel Hill is the operator of a waste water treatment plant pursuant to the provisions of NPDES Permit No. NC-0025241 issued pursuant to the provisions of North Carolina General Statute Section 143-215.1, and

WHEREAS, as a special condition of said permit, the following provision is imposed:

"There shall be no additional connection made to the Town's sewage collection system except ones for normal single family residential growth in presently sewer areas, except as specifically authorized by the Director of the Division of the Division of Environmental Management", and

WHEREAS, said permit provides that "upon compliance with the final effluent limits, the Town may petition the Environmental Management to void the above condition", and

WHEREAS, due to the volume of flow, and the current condition of the facilities at the plant, the Town is unable to meet the final effluent limits at this time, and

WHEREAS, the Division of Environmental Management has advised the Town that it will consider variances for additional connections to the Town system in the event said connections impose no greater burden of flow than would a single family residence in an already sewer area, and

WHEREAS, at the present time, the waste water treatment plant is incapable of servicing substantial additional quantities of waste water.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That until such time as the permit limitations imposed upon the Town by the Department of Environmental Management have been modified, the appropriate officials of the Town of Chapel Hill are hereby directed not to process or approve any application for development, as for sewer connection in the Town of whether the same be subdivision, multi-family, or otherwise, when such proposed development would have a significant effect on the volume or quality of additional waste water imposed upon the waste water treatment facilities of the Town.

SECTION II

The directions contained in this Resolution shall be considered a policy directive of the Board of Aldermen to the appropriate officials of the Town of Chapel Hill in order to meet the conditions imposed by the Town by its waste water treatment permit, and as an effort to meet the conditions imposed upon the Town by said permit.

SECTION III

In the administration of the building and plumbing codes and the zoning, and subdivision ordinances of the Town, all appropriate officials of the Town are required to abide by the policy as stated herein.

This the 26th day of July, 1976.

The NPDES Permit originally limited all new tap-ons to single family residences in an already sewer area. The town anticipated that there might be other structures which would constitute a reasonable equivalent to the single family residences and from time to time there might be health reasons for the town to seek line extensions. After conferring with the State, the final permit carried a qualifying phrase, "except as specifically authorized by the Director of the Division of Environmental Management." It later became apparent in practice that the State had added the condition that the town must agree to accept the wastewater, which again made the town responsible for holding down additions to the system. It therefore had become necessary for the Board to discuss this matter and take a stand of intent to insure that the exceptions which are submitted to the State are restricted to a few cases which can be determined to be the rough equivalent and in the spirit of the intent of the permit. Mr. Jenne stated he did not want to submit any and all variances to the

state no matter how unreasonable. Alderman Cohen stated the additional net gain or load to the system should be considered, not just how many people would be in a new structure. Mr. Jenne said this would be done as well as considering what constitutes cumulatively acceptable loading. The past record of the plant indicates that it does not have to be at capacity to be in violation. He added that improvements were being made to the plant but no one could predict exactly how this would change the capacity. Alderman Smith asked when the improvements would be completed. Mr. Jenne replied that work would continue throughout the year on some improvements. Alderman Cohen asked what procedures would result from the resolution in terms of building permits or plot divisions. Mr. Jenne stated there were three major categories of application, subdivision or preliminary plats, special use permits, and use by right. Subdivisions involving line extensions would not be accepted and would not be processed; subdivisions using septic tanks would be processed. Special use permits requiring line extensions would not be accepted. Special use permits involving tap-ons only would fall into two categories. If the loading was significant and outside of the restriction, it would not be processed; if it appeared to be reasonable and within the intent of the restrictions, the town could make a preliminary inquiry to the state, then process the application, make the necessary findings of fact, and then apply to the state for a permit. The third category, use by right, requires no lengthy processing, and a timely determination could be made as to whether it is a reasonable application to be forwarded to the state.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE RESOLUTION. Mayor Wallace stated the Board would hear comments from the audience. Mr. Watts Hill asked the Board to consider another temporary course of action. He stated he thought the resolution proposed by Mr. Jenne to be unclear and ambiguous. He believed if the intent of the resolution was to allow tap-ons for all single family detached houses in a sewer area, it should so state. If only some commercial connections are to be permitted, the resolution should also make this clear. He suggested that a prior step should be taken first however; that is, to declare a temporary moratorium on all sewer tap-ons. This time would allow the staff time to (1) to set priorities which would serve the community-wide interests, (2) avoid controversy by defining terms such as "significant," (3) achieve equity among applicants no matter when they apply for a permit, (4) resolve differences among developers and the town, (5) resolve arrangements among the town, state and University, and (6) determine ways to increase capacity and quality for short term solutions. Alderman Smith agreed with the ideas of the moratorium to give the manager time to determine what difference the improvements would make in the capacity of the plant and what short-term steps could be taken. Alderman Cohen stated he agreed with most of Mr. Hill's comments. Houses do not necessarily have to be added just because the permit allows them. Alderman Marshall said that solutions to the water and sewer crises should be studied together. Mr. Hakan stated there were several developments for which this resolution would create problems. The resolution was so ambiguous as to make it difficult for architects and designers to answer questions for developers about future growth. He concurred with Mr. Hill.

Mayor Wallace stated the representative from the YMCA had been given permission to speak to the Board, and introduced Mr. John King. Mr. King explained the Y had been caught in the rush of apply for a building permit before July 1, and there was no clear cut policy at that time. The Y was not now at a point where it needed a sewer tap-on, but they wanted some assurance that when the building reached that point it could get a tap-on permit. He hoped the Board would formulate some clear-cut guidelines for allowing sewer permits. Mayor Wallace asked if anyone else wished to make a comment. Mr. Rashkis asked if the administration had any control over permits in Carrboro. Mr. Heffner inquired as to the status of permits already issued. Mr. Jenne explained that Carrboro would come under the same limitations as Chapel Hill. He had had extensive discussions with Carrboro officials and the result was that all sewer applications would have to go through Chapel Hill to the State. In answer to Mr. Heffner's question, the sewer permits already issued would be valid; however, the building issued were not a commitment to issue a sewer permit and these would come under the restrictions of the state. Mr. Jenne added that the idea of setting priorities were compelling, however this would require knowledge of all potential projects and would require a finite knowledge of the capacity of the plant, neither of which was probable. Alderman Smith asked Mr. Denny about the legality of the restrictions and allowing anyone to tap on. Mr. Denny stated that he anticipated the town would have to go to court no

matter what course of action they took. Alderman Smith asked if the building permits could be tied in with the sewer, issuing one only to those houses with plans for a septic tank. Mr. Denny said that ordinances against septic tanks on small lots would then have to be repealed. Alderman Epting thought the moratorium would be the appropriate step. He believed the resolution to be arbitrary. Single family homes are not necessarily ordinary growth. There might be more pressing needs for the town. Alderman Gardner stated that without a solution the moratorium seemed the most equitable way to proceed to allow time for decisions to be made. Alderman Silver stated that the town was not alone in its problem because the Authority would soon inherit the problem. He agreed with Alderman Marshall that solutions for the water and sewer problems should be sought together. Alderman Cohen suggested if it were to become evident that the \$3,000,000 bond issue was not totally needed by the Authority that perhaps some of this money could be used for temporary solutions to the sewer problem. He stated the proposed resolution did not solve the problems. Alderman Marshall said she believed the Town should work with the Authority on the policy. There would be confusion if the Town set the policy up until December and then the Authority took over and changed it. Alderman Smith made a motion that the Board defer the resolution until the 29th and have Mr. Denny draw up another resolution providing for a moratorium. The motion died for lack of a second. Mr. Denny stated the intent of the resolution was not to clear up the problems but to bring some order from this chaos. The administration at present had only the choice of taking all applications to Raleigh or to the Board of Aldermen. The resolution was meant as an expression to the administration of how the Board wanted to act. He suggested that if the Board wanted to declare a moratorium then there should be a finding of facts of the situation in the resolution before declaring the moratorium. Mr. Page said the Board had not discussed the fact that the state had given the town permission for houses to tap-on. He was in favor of excepting residences from a moratorium. Alderman Epting stated the Board had considered houses allowed under the permit; however, it was thought that only allowing houses might be unfair to other developers. And, the town needed time to decide if their priority was to be single family residences for any capacity which might be left in the plant. Alderman Smith wanted to include in a resolution for a moratorium, a mechanism for attempting to arrive at solutions. Mayor Wallace suggested that a moratorium might be too restrictive, that perhaps Mr. Jenne and Mr. Denny should reconsider the resolution overnight and rewrite it. Mr. Rashkis reminded the Board that the Planning Board had declared a moratorium a few years ago, but had not solved their problems in the interim period because of intervening work. He suggested that a time limit be put on the moratorium. Mayor Wallace suggested the resolution be tabled until the 29th, and Mr. Jenne could then suggest an alternative resolution. There was agreement to this course of action.

National Endowment for the Arts study Grant Application - Resolution

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING APPLICATION FOR A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes Kurt J. Jenne, Town Manager, to apply for a study grant from the National Endowment for the Arts to evaluate and determine the best methods by which vitality may be maintained in the older areas of Chapel Hill.

This the 28 day of July, 1976.

Bikeways Demonstration Grant - Resolution.

RESOLUTION AUTHORIZING APPLICATION FOR A BIKEWAYS DEMONSTRATION GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager, Kurt J. Jenne, is hereby suthorized to submit to the Federal Highway Administration a proposal for a bikeways project costing \$484,450 and to apply for an 80% grant of \$387,560 from the Federal Highway Administration Bikeway Demonstration Program, with a 20% local match of \$96,890.

BE IT FURTHER RESOLVED that Kurt J. Jenne, be and the same is hereby directed and designated as the authorized representative of the Town to act in connection with the application and to provide such additional information as may be required.

This the 28th day of July, 1976.

Alderman Cohen said he would like to file the application for the grant, but he wanted the Board to be prepared to allocate more money from the bond issue to the bikeways fund if the grant were not received. THE MOTION WAS CARRIED UNANIMOUSLY.

Designation of Depositories for Bus Pass Sales Receipts - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION DESIGNATING FIRST CITIZENS BANK AS A DEPOSITORY FOR TOWN FUNDS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that First-Citizens Bank & Trust Company is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said Bank; that any two of the following officers of this Corporation:

- |  |  |
|--|--|
| Anthony I. Hooper, Finance Director        | Kurt J. Jenne, Town Manager                    |
| John E. Pappas, Director of Transportation | John P. Bartosiewicz, Administrative Assistant |

are hereby authorized, on behalf of this corporation, and in its name: to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money from said account; to indorse checks, notes, bills, certificates of deposit, or other instruments, owned, or held by this Corporation, for deposit in said account, or for collection or discount by said Bank; to accept drafts, and other instruments payable by said Bank; to waive demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or indorsed by this Corporation; and

FURTHER RESOLVED, that First-Citizens Bank & Trust Company be and it hereby is authorized to honor, receive, certify, and pay all instruments signed in accordance with the foregoing resolution even though drawn or indorsed to the order of any officer signing the same or tendered for cash in payment of the individual obligation of such officer, or for deposit to his personal account, and said Bank shall not be required, or be under any obligation to inquire into the circumstances of the issuance, or of any instrument signed in accordance with the foregoing resolution or the application, or the collection of such instrument, or the proceeds and

FURTHER RESOLVED, that the Town Clerk shall certify to said Bank the names of the presently duly elected and qualified officers of this Corporation and shall from time to time hereafter as changes in the personnel of said officers are made, immediately certify such changes to the bank, and said Bank shall be fully protected in relying on such certifications of the Town Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of, honoring the signature of any officer so certified, or refusing to honor any signature not so certified; and

FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by the Bank prior thereto; and

FURTHER RESOLVED, that the Town Clerk be, and he hereby is, authorized and directed to certify to said First-Citizens Bank & Trust Company the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

This the 28th day of July, 1976.

Ordinance Amending Section 10-37, Prohibited Housing Ordinances

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

THE MOTION WAS CARRIED UNANIMOUSLY.

AN ORDINANCE AMENDING SECTION 10-37, PROHIBITED HOUSING PRACTICES, OF THE CODE OF ORDINANCES

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

That Section 10-37 of the Code of Ordinances, Town of Chapel Hill is amended by the addition of the work "sex", before the words "religion, race," in lines two and four of the first paragraph and line five of the second paragraph. Section II

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

This the 28th day of July, 1976.

Bids for Resurfacing of Streets - Resolution

ON MOTION BY ALDERMAN GARDNER, SECONDED BY ALDERMAN SMITH, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THE RESURFACING OF STREETS

WHEREAS the Town of Chapel Hill has solicited formal bids for the resurfacing of streets and the following bids have been received:

| <u>Bidder</u>  | <u>Bid</u><br><u>I-2 Asphalt/Ton</u> | <u>Patching/Ton</u> |
|--|--------------------------------------|---------------------|
| B. & B. Paving & Contractors, Inc.,<br>Morrisville, North Carolina | \$17.50                              | \$25.00             |
| C.C. Mangum, Inc.,<br>Raleigh, North Carolina                      | \$20.00                              | \$40.00             |
| Lee Paving Co.,<br>Sanford, North Carolina                         | \$21.00                              | \$50.00             |
| Mellott Contractor, Inc.,<br>Carrboro, North Carolina              | \$19.85                              | \$25.00             |
| Nello L. Miller Co.,<br>Durham, North Carolina                     | \$18.95                              | \$45.00             |
| N. L. Miller Contractor, Inc.,<br>Raleigh, North Carolina          | \$18.37                              | \$35.00             |
| Rea Construction Co.,<br>Raleigh, North Carolina                   | \$20.00                              | \$50.00             |
| Wm. Muirhead Construction Co., Inc.<br>Durham, North Carolina      | \$16.45                              | \$24.00             |

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of William Muirhead for 2,917 tons of asphalt at \$16.45 per ton and 25 tons of patching material at \$24.00 per ton for a total bid of \$48,584.65.

This the 28th day of July, 1976.

Bids for Football Uniforms, Equipment and Supplies - Resolution

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FOOTBALL UNIFORMS, EQUIPMENT AND SUPPLIES

WHEREAS the Town of Chapel Hill has solicited formal bids on Football Uniforms, Equipment and Supplies and the following bids have been received:

| <u>Bidder</u>  | <u>Uniforms &amp; Equip.</u> | <u>Bid Supplies</u>              | <u>Total</u> |
|--|------------------------------|----------------------------------|--------------|
| Bocock-Stroud,<br>Greensboro, North Carolina         | \$2,528.33                   | \$304.55<br>(2 items<br>not bid) | \$2,832.88   |
| Holt Sporting Goods,<br>Chapel Hill, North Carolina  | 2,825.50                     | 239.00                           | 3,064.50     |
| Johnson-Lambe Company,<br>Raleigh, North Carolina    | 2,431.50                     | 256.85                           | 2,688.35     |
| McGinty's Sport Shop,<br>Chapel Hill, North Carolina | 2,658.50                     | 268.80                           | 2,927.30     |

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Johnson Lambe Company for the amount of \$2,688.35 and that it be awarded the contract.

Alderman Smith questioned the quality of the uniforms. Mr. Jenne replied that in his opinion the quality was good, they met the specifications. Mrs. Eckland stated the uniforms had been checked and Mr. Anderson was satisfied. Alderman Smith stated he was concerned over injuries and suggested a record be kept. THE MOTION WAS CARRIED UNANIMOUSLY.

Bids for Tire Changer - Resolution

ON MOTION BY ALDERMAN SILVER, SECONDED BY ALDERMAN SMITH, THE FOLLOWING RESOLUTION WAS ADOPTED UNANIMOUSLY.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE TIRE CHANGER

WHEREAS, the Town of Chapel Hill has solicited formal bids on one tire changer and the following bids have been received:

| <u>Bidder</u>  | <u>Bid</u> |
|--|------------|
| Southern Parts & Electric, Inc.,<br>Durham, North Carolina | \$3,378.15 |
| Turner Equipment Co., Inc.<br>Goldsboro, North Carolina    | \$2,840.00 |

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Turner Equipment Company, Inc. for the amount of \$2,840.00 and that it be awarded the contract.

the 28th day of July, 1976.

Bids for Automotive Tools and Tool Chests - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR AUTOMOTIVE TOOLS AND TOOL CHESTS

WHEREAS the Town of Chapel Hill has solicited formal bids on automotive tools and tool chests and the following bids have been received:

|   |            |                              |
|---|------------|------------------------------|
| Montgomery Wards,<br>Durham, North Carolina                           | \$4,407.50 | (Did not bid<br>on 22 items) |
| Sears Roebuck and Company, Contract Sales,<br>Raleigh, North Carolina | \$4,402.31 |                              |
| Sloan Auto Parts, Inc.,<br>Durham, North Carolina                     | \$4,082.08 | (Did not bid<br>on 16 items) |
| Southern Parts and Electric, Inc.,<br>Chapel Hill, North Carolina     | \$4,670.14 | (Did not bid<br>on 23 items) |

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Sears Roebuck and Company for the amount of \$4,402.31 and that it be awarded the contract.

This the 26th day of July, 1976.

Alderman Smith inquired as to what provisions were made for breakage. Mrs. Eckland answered the tools carried warranties. Alderman Gardner asked if the tools were small and how loss of the tools was controlled. Mrs. Eckland stated most of the tools were small. Mr. Drake explained that the tools were issued to individual workmen and that those lost had to be paid for by the workman. THE MOTION WAS CARRIED UNANIMOUSLY.

Planning Board Members - Resolutions of Appreciation

Mayor Wallace announced that the Board wanted to express its appreciation to Ms. Ann Slifkin, Mr. Phillip Cooke and Mr. Charles Weiss for their service to the Town as members of the Planning Board. Alderman Cohen suggested that these persons be invited to the September 13 meeting of the Board to receive a resolution of appreciation. Mayor Wallace asked the Town Clerk to see that an invitation to the meeting was sent to these persons.

Planning Board - Appointment

Mr. Bill Bayliss and Mr. Robert Fasick had been placed in nomination on the 26th. There were no additional nominatios. Mr. Bill Bayliss was the appointee by a vote of four to three, for a term of five years, ending June 30, 1981.

Council on Aging - Vacancy

Mayor Wallace announced that Dr. Leonard Mayo's term of office had expired as of June 30, 1976. The Board was asked to consider who it wished to nominate for this vacancy.

Work Session

The work session for the pay classification plan was set for July 29, 1976, at 4:00 p.m., at which time the Board would also meet to consider the NPDES permit policy, and the working for the sewer agreement of sale.

Acquisition of Property - Resolution

ON MOTION BY ALDERMAN SMITH SECONDED BY ALDERMAN SILVER, THE FOLLOWING MOTION WAS ADOPTED.

A RESOLUTION WITH RESPECT TO THE ACQUISITION OF PROPERTY ON WEST ROSEMARY STREET

WHEREAS, Janie E. Butler and husband, Robert E. Butler are the owners of a tract of land adjoining the property of the Town of Chapel Hill on West Rosemary Street being a tract of land 52-feet on Rosemary Street with a depth of 150-feet, and

WHEREAS, the Town has been making use of said property, and

WHEREAS, it is necessary that the Town acquire said property for efficient use by the Town Hall and Police Station adjoining said property, and

WHEREAS, negotiations have been under way for the acquisition of said property by the Town.

WHEREAS, the Board of Aldermen has heretofore authorized the acquisition of said property through purchase of condemnation in July 1976, and

WHEREAS, the owners have agreed to the sale of said property so as to avoid the necessity of condemnation by the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION I

That the appropriate officials of the Town of Chapel Hill are hereby authorized and directed to acquire said property above referred to from Janie E. Butler and husband, Robert E. Butler for the purchase price of SIXTY THOUSAND DOLLARS (\$60,000.00), payable in cash upon closing, this being the estimated fair market value of said property, said purchase to be in lieu of any condemnation proceedings for its acquisition.

This the 28th day of July, 1976.

July 29, 1976

Mayor Wallace reconvened the meeting at 5:30 p.m. and announced that the Board wished to adjourn into executive session. The Board reconvened at 5:45 p.m.

Mayor Wallace announced that the Board would take up the matter of the Agreement of Sale and Purchase of the Water and sewer utilities, which had been deferred from July 28. Alderman Epting announced that the Legal Committee had met that morning. Changes had been made in paragraph 16 with reference to line extensions within the town. The agreement for Carrboro provided the towns could extend sewer lines without permission of the Authority, and Chapel Hill's agreement provided the Authority must consent to any extension of lines. Mr. Patterson had stated at the meeting that he did not realize Carrboro's agreement had been changed. Section 15, pertaining to assessments, had been worded to give Carrboro the right to make assessments and retain tap-on and acreage fees. Mr. Denny explained the difference in assessments was to fit the different methods of billing by Chapel Hill and Carrboro. Carrboro had never collected assessments; the assessment had been included in the tap-on fees. This clause enabled each town to recover funds in whatever manner it was used to. Alderman Epting stated Mr. Jones had said he could not recommend that the Authority accept the wording of Carrboro's agreement on the line extensions. Mr. Denny stated he had met with Mr. Jones and had both tried to reach bond counsel, but could not reach them. Mr. Jones had related to Mr. Denny and Mr. Staten that he would not advise the Authority to accept the modification of the language regarding line extensions. He would accept the original language. Alderman Marshall said that Chapel Hill had made all efforts to cooperate with Carrboro in accepting protective wording that Carrboro wanted inserted in the contract. However, it was also agreed that all changes must be approved by bond counsel before going to the Authority, and this was not the case with paragraph 16. Mayor Wallace emphasized the gravity of the modification. Mr. Denny introduced the following resolution

A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF DOCUMENTS OF SALE AND PURCHASE WITH RESPECT TO THE TOWN SEWER SYSTEM

Section I

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the agreement for sale and purchase by and between the Town of Chapel Hill and the Orange Water and Sewer Authority together with all exhibits attached thereto dated July 29, 1976 being the same is hereby approved and the Mayor and Town Clerk are hereby authorized and directed to execute same.

Section II

The agreement by and between the University of North Carolina at Chapel Hill and Town with respect to 1949 and 1972 agreements concerning the



sewer plant ownership and operation is hereby approved and the Mayor and Town Clerk are hereby authorized and directed to execute same.

Section III

The deed from the Town of Chapel Hill to the State of North Carolina conveying one-half undivided interest in the property on which the sewer plant is located is hereby approved and the Mayor and Town Clerk are hereby authorized and directed to execute same.

This the 29th day of July, 1976.

and suggested that the Board adopt the resolution with the understanding that the agreement referred to was the one Mr. Denny had given to them on the 28th with the exception of the language in paragraph 16 which would be changed to require concurrence of the Authority for line extensions. He added that it was urgent that Sections 2 and 3 of the resolution be passed. ON MOTION BY ALDERMAN SILVER, THE RESOLUTION WAS UNANIMOUSLY ADOPTED. Alderman Marshall asked for a consensus that in the wake of Carrboro's action, the Board would not call special meetings during the month of August to conform to any other changes made by Carrboro. The Board agreed.

Building and Sewer Connection Permits - Resolution

Mr. Jenne introduced the following resolution and ordinance as a substitute to the motion tabled on the 28th.

A RESOLUTION AND ORDINANCE WITH RESPECT TO THE ISSUANCE OF BUILDING OR SEWER CONNECTION PERMITS WHILE THE CURRENT STATE NPDES PERMIT IS IN EFFECT, FOR A LIMITED PERIOD THROUGH AUGUST 16, 1976

WHEREAS, the Town of Chapel Hill is the operator of a wastewater treatment plant facility pursuant to the provisions of NPDES Permit #NC-0025241 issued pursuant to the provisions of North Carolina General Statutes Section 143-215.1, and

WHEREAS, while the effluent limitations and monitoring requirement as contained in said permit are attached hereto as Exhibit A, and the final effluent limitations and monitoring requirements contained in said permit are attached hereto as Exhibit B, and

WHEREAS, the Town of Chapel Hill in the operation of said plant is unable at this time to meet either the initial or final effluent limitations as contained in said permit as set forth in the chart attached as Exhibit C, and

WHEREAS, the current volume of flow entering the wastewater treatment plant for processing is greater than the present treatment capability of said plant in its present condition, and

WHEREAS, the addition of additional volume of raw sewage for treatment to said plant at the present time will be likely to further increase the inability of the Town to meet its permit limitations, and

WHEREAS, the Town has been periodically advised by the Environmental Protection Agency that it is in violation of its permit limitations, and is subject to prosecution therefor, and

WHEREAS, the permit above referred to places additional limitations and conditions on the Town of Chapel Hill with respect to the addition of sewer connections until such time as the final effluent limitations have been met, and the permit revised to remove said special condition, and

WHEREAS, it is necessary that the Town proceed with the utmost haste to determine by what process and within what time span it can improve the treatment capabilities of said plant, and

WHEREAS, it is desirable that there be no further burden placed upon said plant until such time as possible corrective or alternative methods can be explored.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it make the following findings of fact based upon the foregoing, and the permit requirements, operating conditions of the plant, its operating capability, and the appropriate federal and state regulations and guidelines applicable thereto:

1. Town of Chapel Hill is the operator of the wastewater treatment plant facility pursuant to the provisions of NPDES Permit #NC-0025241 issued pursuant to the provisions of North Carolina General Statutes Section 143-215.1;
2. That the current volume of flow entering the wastewater treatment plant for processing is greater than the present treatment capability of said plant in its present condition;
3. That the addition of additional volume of raw sewage for treatment to said plant at the present time will be likely to further increase the inability of the Town to meet its permit limitations.
4. The Town has been periodically advised by the Environmental Protection Agency that it is in violation of its permit limitations, and is subject to prosecution therefor.
5. The permit issued by the Division of Environmental Management provides that nothing in the permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to NC G.S. S143-215.6 or Section 309 of the Federal Act.
6. The permit above referred to places additional limitations and conditions on the Town of Chapel Hill with respect to the addition of sewer connections until such time as the final effluent limitations have been met, and the permit revised to remove said special conditions.
7. That the conditions imposed on the Town by said permit result in inequitable and unfair treatment of property owners of the Town.
8. It is necessary that the Town proceed with the utmost haste to determine by what processes and procedures, and within what time span it can improve the treatment capabilities of said plant.
9. It is desirable that there be a minimum further burden placed upon said plant until such time as possible corrective or alternative methods can be explored.
10. That there are outstanding permits for sanitary sewer connections issued by the Town of Chapel Hill as set forth on Exhibit D attached hereto.
11. That there should be a moratorium on further building permits which would ultimately require sewer connections and on permits for sewer connections to the sanitary sewer system being processed in said plant until it can be determined what the effective operating capacity and limits of said plant are, and what immediate improvements can be made thereto to further increase its operating efficiency or capability.
12. That alternative short-term methods may be available to alleviate the current burden on said plant, increase its effluent capability, and provide additional sewer treatment capacity either at said plant or by other means within the Town.

NOW THEREFORE, BE IT FURTHER RESOLVED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, based upon the foregoing findings of fact, that from and after the effective date of this Resolution the appropriate officials of the Town of Chapel Hill are hereby directed that no further building permits which would ultimately require sewer connections and no further permits for sewer connections to the sanitary sewer system for processing in said plant may be made excepting those for which a sewer connection permit has been issued by the Town of Chapel Hill, and BE IT FURTHER RESOLVED AND ORDAINED that this Resolution shall be and remain in effect for a period from its adoption through August 16, 1976; and

BE IT FURTHER RESOLVED AND ORDAINED that the appropriate officials of the Town of Chapel Hill are authorized and directed to immediately proceed to investigate by what processes and in what time span it can improve or enlarge the treatment capabilities of said plant and its operating efficiency and what alternative short-term methods may be available to alleviate the current burden on said plant and provide additional sewer treatment capacity either at said plant or by other means within the Town, and to report to the Board of Aldermen their findings with respect thereto at a special meeting to be held August 16, 1976.

Effective this, the 29th day of July, 1976.

He stated this was the result of the Board's directive to him and Mr. Denny to recommend a course of action in view of the sewer crisis. He added that it was a shorter course of action than anticipated because of the difficulty in getting together with the Authority work going on at the same time, and the fact that justice could not be done to a full consideration of all of the factors and issues in the small amount of time they had. Mr. Denny stated there had not been time to write a resolution with any long term effect. He suggested they consider the resolution and at the meeting of August 16, he and Mr. Jenne could give the Board a detailed report. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, SUBSTITUTION OF THE RESOLUTION AND ORDINANCE FOR THE RESOLUTION. Alderman Silver asked Mr. Jenne if he could give the Board a detailed report. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, SUBSTITUTION OF THE RESOLUTION AND ORDINANCE FOR THE RESOLUTION. Alderman Silver asked Mr. Jenne if he would be ready for the Board to take further action by the 16th. Mr. Jenne replied that by the 16th he believed the staff could make an evaluation of the issues involved to various kinds of construction, various existing situations and the implications of the alternatives the Board could take, to be able to advise the Board on the possible implications and impacts of any actions. He believed they could at least make preliminary investigations as to actual operational or capital construction actions that could be taken with regard to the existing treatment plant, or otherwise that might be taken to alleviate the situation. Mr. Jenne had already arranged to meet with the Director of DEM. One of the items to be discussed would be an attempt to get a clearer understanding of the possible effects of the State's position and the State's limitations on Chapel Hill's system were several things to happen. Alderman Marshall suggested that some of the people attending the meetings might go to the state and express their feelings. Mayor Wallace said that after Mr. Jenne had met with the Director of DEM he could advise Mr. Rashkis and the others if this was indicated. The resolution and ordinance was substituted by unanimous vote. THE MOTION TO ADOPT THE RESOLUTION AND ORDINANCE WAS CARRIED UNANIMOUSLY.

The meeting was adjourned at 6:50 p.m.

EXHIBIT A

A. (1). EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Initial

During the period beginning the effective date and lasting until June 30, 1977 the permittee is authorized to discharge from outfall(s) serial number(s). 001 Such discharges shall be limited and monitored by the permittee as specified below:

| Effluent Characteristics        | Discharge Limitations    |                          | Monitoring Requirements |            |
|---------------------------------|--------------------------|--------------------------|-------------------------|------------|
|                                 | kg/day (lbs/day)         | Other Units (Specify)    | Measurement**           | Sample **  |
| Flow, M <sup>3</sup> /day (MGD) | Monthly Avg. Weekly Avg. | Monthly Avg. Weekly Avg. | Frequency               | Location   |
| 20D5                            | 341 (751) 625 (1376)     | 20 mg/l 30 mg/l          | Continuous              | I or E     |
| TSS                             | 512 (1126) 938 (2064)    | 30 mg/l 45 mg/l          | Daily                   | I, E, U, D |
| Fecal Coliform                  |                          | 200/100 ml 400/100 ml    | Weekly                  | I, E       |
| Settleable Matter               |                          |                          | Daily                   | E, U, D    |
| Temperature                     |                          |                          | Daily                   | E          |
| Dissolved Oxygen                |                          |                          | Daily                   | E, U, D    |
| COD                             |                          |                          | Weekly                  | U, D       |
| Total Residue                   |                          |                          | Weekly                  | E, U, D    |
| Ammonia-N                       |                          |                          | Weekly                  | I, E       |
| pH                              |                          |                          | Weekly                  | I, E       |
|                                 |                          |                          | Daily                   | E, U, D    |

\*Sample Location: I-Influent, E-Effluent, U-Upstream, D-Downstream

\*\*All upstream and downstream samples shall be grab samples

\*\*\*Daily stream sampling frequency may be reduced at each sampling station to one (1) time per week except during the months of June, July, August and September, when the frequency must be no less than three (3) times per week at each sampling station.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored as noted above.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Permit No. 00124

A. (2). EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Final

During the period beginning July 1, 1977 and lasting until the date of expiration the permittee is authorized to discharge from outfall(s) serial number(s) 001 Such discharges shall be limited and monitored by the permittee as specified below:

| Effluent Characteristics        | Discharge Limitations |              | Other Units (Specify) |              | Monitoring Requirements |             |           |            |
|---------------------------------|-----------------------|--------------|-----------------------|--------------|-------------------------|-------------|-----------|------------|
|                                 | Kg/day (lbs/day)      | Monthly Avg. | Weekly Avg.           | Monthly Avg. |                         | Weekly Avg. |           |            |
| Flow, M <sup>3</sup> /day (MGD) |                       |              |                       | 17,046 (4.5) | 20,834 (5.5)            | Continuous  | Composite | I or E     |
| BOD <sub>5</sub>                | 171 (375)             | 313 (688)    | 10 mg/l               |              | 15 mg/l                 | Daily       | Composite | I, E, U, D |
| TSS                             | 512 (1126)            | 938 (2064)   | 30 mg/l               |              | 45 mg/l                 | Weekly      | Composite | I, E       |
| Fecal Coliform                  |                       |              | 200/100 ml            |              | 400/100 ml              | Daily       | Grab      | E, U, D    |
| MLG-N                           | 128 (281)             | 235 (516)    | 7.5 mg/l              |              | 11.25 mg/l              | Weekly      | Composite | I, E       |
| Settleable Matter               |                       |              |                       |              |                         | Daily       | Grab      | E          |
| Temperature                     |                       |              |                       |              |                         | Daily       | Grab      | E, U, D    |
| Dissolved Oxygen                |                       |              | 5.0 mg/l              |              |                         | Daily       | Grab      | U, D       |
| COD                             |                       |              |                       |              |                         | Weekly      | Composite | E, U, D    |
| Total Residue                   |                       |              |                       |              |                         | Weekly      | Composite | I, E       |
| pH                              |                       |              |                       |              |                         | Daily       | Grab      | I, E, U, D |

\*Sample Location: I-Influent, E-Effluent, U-Upstream, D-Downstream  
 \*\*All upstream and downstream samples shall be grab samples  
 \*\*\*Daily stream sampling frequency may be reduced at each sampling station to one (1) time per week except during the months of June, July, August and September, when the frequency must be no less than three (3) times per week at each sampling station.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored as noted above  
 There shall be no discharge of floating solids or visible foam in other than trace amounts.

**EXHIBIT C**  
 RECORD OF OPERATION  
 MORGAN CREEK WASTEWATER TREATMENT PLANT  
 CHAPEL HILL, NORTH CAROLINA

| MONTH       | VOLUME TREATED        |                 |                | EFFLUENT QUALITY<br>BOD <sub>5</sub> |                 |                | EFFLUENT QUALITY<br>TSS |                 |                |
|-------------|-----------------------|-----------------|----------------|--------------------------------------|-----------------|----------------|-------------------------|-----------------|----------------|
|             | Monthly Average (MGD) | High Week (MGD) | High Day (MGD) | Monthly Average (PPM)                | High Week (PPM) | High Day (PPM) | Monthly Average (PPM)   | High Week (PPM) | High Day (PPM) |
| 1975 Permit | 4.5                   | -               | 5.5            | 30                                   | -               | 50             | 30                      | -               | 50             |
| June, 75    | 3.1                   | 3.3             | 3.7            | 34                                   | 42.8            | 55             | 44                      | 73              | 112            |
| July, 75    | 3.6                   | 5.2             | 6.6            | 24                                   | 34.7            | 50             | 43                      | 54.5            | 96             |
| August, 75  | 3.1                   | 3.9             | 4.2            | 23                                   | 25              | 34             | 33                      | 42              | 59             |
| *Sept., 75  | 4.1                   | 5.1             | 7.1            | 16                                   | 30              | 42             | 28                      | 36.8            | 49             |
| Oct., 75    | 4.1                   | 4.2             | 4.4            | 12                                   | 16              | 34             | 29                      | 33              | 49             |
| Nov., 75    | 4.0                   | 4.5             | 5.8            | 16                                   | 20              | 23             | 26                      | 29              | 36             |
| Dec., 75    | 3.8                   | 4.4             | 5.3            | 9                                    | 10              | 11             | 29                      | 29              | 38             |
| **Jan., 76  | 4.4                   | 5.0             | 6.6            | 24                                   | 62              | 66             | 44                      | 83              | 92             |
| Feb., 76    | 4.3                   | 4.8             | 5.2            | 78                                   | 79              | 84             | 81                      | 99              | 127            |
| March, 76   | 4.1                   | 4.6             | 5.3            | 70                                   | 82              | 85             | 65                      | 73              | 87             |
| **April, 76 | 4.1                   | 4.4             | 4.8            | 54                                   | 64              | 68             | 57                      | 67              | 92             |
| May, 76     | 3.3                   | 3.4             | 4.8            | 45                                   | 49              | 56             | 40                      | 44              | 68             |
| ***June, 76 | 3.6                   | 3.7             | 4.5            | 36                                   | 42              | 58             | 40                      | 55              | 61             |
| 1976 Permit | 4.5                   | 5.5             | -              | 20                                   | 30              | -              | 30                      | 45              | -              |

\* Alum Feed Started  
 \*\* Centrifuge Breakdown - Alum Feed Stopped  
 \*\*\* Full-Time Plant Superintendent  
 \*\*\*\* Partial Series Operation Started

EXHIBIT D

LIST OF VALID SEWER CONNECTION  
PERMITS OUTSTANDING  
AS OF JULY 29, 1976

(Listed by Building Permit Number)

- |        |        |
|--------|--------|
| 7125-B | 6865-B |
| 6999-B | 6630-B |
| 6799-B | 5934-B |
| 5017-B | 5002-B |
| 7063-B | 6239-B |
| 7132-B | 6880-B |
| 7062-B | 6949-B |
| 7025-B | 7078-B |
| 6891-B |        |
| 7016-B |        |
| 7033-B |        |
| 6654-B |        |
| 6973-B |        |
| 6549-B |        |
| 7091-B |        |
| 7031-B |        |
| 7090-B |        |
| 7043-B |        |
| 7029-B |        |
| 7003-B |        |
| 7002-B |        |
| 6933-B |        |
| 6910-B |        |
| 6909-B |        |
| 7119-B |        |
| 7072-B |        |
| 7065-B |        |
| 7052-B |        |
| 7061-B |        |
| 7026-B |        |

*James C. Wallace*

\_\_\_\_\_  
Mayor James C. Wallace

*David B. Roberts*

\_\_\_\_\_  
Town Clerk, David B. Roberts