

of the bus route was a criterion for non-assessment because of the changing nature of the bus routes. There was a consensus of the Board to consider Mrs. Barrett's petition first. Alderman Epting said if the Town agreed to pave Laurel Hill Road without assessment and then set a policy to assess other residents would be assessed later under circumstances similar to Mrs. Barrett. He believed it better to reverse the decision and assess Ward and Weiner Streets. Alderman Epting moved, seconded by Alderman Silver, to reconsider the action of September 13 to assess Ward and Weiner Streets and Coker Drive. Mr. Denny clarified the questions about a public hearing in this case by explaining that although it would be better if the property owners involved had attended this meeting, he did not think they would be prejudiced since the Board had passed a preliminary resolution of intent and had held a public hearing on the matter. If the vote was to reconsider, the resolution to pave Ward and Weiner Streets and Coker Drive without assessment would be on the floor. The motion was carried unanimously. The motion to adopt a resolution to pave without assessment was defeated by a vote of six to two with Aldermen Epting, Gardner, Howes, Marshall, Silver and Smith opposing this rescinding the September 13, 1976 action. The resolution of July 12 to pave with assessment was now in effect.

Mr. Alexander, representing Mrs. Barrett, stated it was his understanding that Laurel Hill Road, Ward and Weiner Streets, and Coker Drive would all be paved at the rate expressed in letters sent to property owners notifying them of the Board's intention to pave and assess for paving. Mrs. Barrett was therefore withdrawing her petition not to be assessed for paving.

Alderman Gardner stated there was only a small number of unpaved streets left in Chapel Hill. The citizens benefitted from the paving and many are still paving off the assessment. He believed the Board should continue to pave streets and assess for paving. Alderman Howes suggested it might be appropriate for the streets committee to review the paving policy before the Board acted on it. Alderman Smith suggested that with any annexation the subdivision ordinance would require paved streets, therefore the Town should pave its few unpaved streets with petition only. Mayor Wallace reminded the Board that in the past two months they had approved two subdivisions with gravel or substandard streets, and when these areas were annexed, the Town would have to pave the streets. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, TO REAFFIRM THE POLICY TO THE STREETS AND PUBLIC SAFETY COMMITTEE. MR. DENNY REMINDED THE BOARD THIS POLICY WAS THE SUGGESTION OF THE ATTORNEY NOT THE RECOMMENDATION OF THE TOWN MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Miscellaneous

Alderman Cohen announced that at their last meeting, the Library Board of Trustees agreed to the proposal for voter registration at the Library for the calendar year 1977. The Carrboro Board of Aldermen would consider a similar item at their next meeting.

Mr. Alexander asked that the Board of Aldermen confirm the opinion that Laurel Hill Road was in the same category as Ward and Weiner Streets and Coker Drive for any future action on these streets. The Board refused to confirm this because it would reduce their flexibility.

Alderman Silver moved, seconded by Alderman Gardner, to adjourn the meeting into executive session. The meeting was adjourned at 9:15 p.m.

James C. Wallace

Mayor James C. Wallace
David B. Roberts

David B. Roberts, Town Clerk

MINUTES OF A PUBLIC HEARING AND MEETING OF THE BOARD OF ALDERMEN AND MAYOR OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, NOVEMBER 22, 1976, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

- Gerald Cohen
- Robert Epting
- Thomas Gardner
- Jonathan Howes
- Shirley Marshall
- Marvin Silver
- R. D. Smith
- Edward Vickery

Also present were Town Manager K. Jenne, Town Attorney E. Denny, and Town Clerk D. Roberts. A quorum of the Planning Board was in attendance. Members present were: Ms. Parker, Mr. Liner, Mr. Kaiser, Mr. Levine, Ms. Fleming, Ms. Stein and Mr. Bayliss.

Consideration of the Goals and Objectives of the Comprehensive Plan - Public Hearing

Mayor Wallace announced that the public hearing to consider the goals and objectives of the Comprehensive Plan would be the first on the agenda for the night. He called the public hearing to order and turned the meeting over to the Planning Board Chairman, Ms. Parker, for presentation. Ms. Parker stated the Planning Board was presenting the draft of the first phase of the Comprehensive Plan, and would welcome comments from citizens on the direction the Planning Board had taken. She explained that the Code of Ordinances outlined the duties of the Planning Board in providing a Comprehensive Plan. Ms. Parker emphasized the growth rate of Chapel Hill has been greater than projected, and described Chapel Hill, in the sixties, with slides, before many of present improvements had taken place. She then listed some of the planning activities which have taken place in the last years, and expressed the need for a more coordinated planning process for the future. She asked Mr. Jennings to present the overall comprehensive planning process and the relationship of these goals and objectives to the community. Mr. Jennings defined a comprehensive plan as a guide to decision making by town government, private businesses, community groups, and individual citizens, all to accomplish the purpose of a coordinated development of the community. The emphasis would be on decision-making. Mr. Jennings listed the phases of the proposed planning process, and described the make-up of each. Mrs. Parker then introduced some design students at N.C. State who had put together a media program to illustrate the goals and objectives of the Comprehensive Plan. The students showed the program to the Aldermen and audience of interested citizen after which Mayor Wallace asked for comments from the citizens.

Ms. Beruta Nielson, speaking for the Interchurch Council was concerned about the social services aspect of the plan. The plan did not call for much citizen input in the planning, nor was there an indication of how the social services planning would be done in the future. She was pleased with some of the priorities of the long and short term plans, but thought that the priorities should be with basic human needs of housing and employment.

Ms. Lyn Harmon, of the League of Women Voters, commended the Planning Board for developing the long range plan. She felt the goals were clear and specific. The League liked the inclusion of various community life and facilities. They supported the plan.

Ms. Susie Weaver stated her first priority was housing. She asked that the time for implementing this goal be cut shorter than the proposed five to ten years.

Mr. Robert Seymour said there were two groups for which there are no facilities in Chapel Hill, itinerant groups and alcoholics. Itinerants stranded in Chapel Hill are taken to the Salvation Army in Durham or given a bus ticket to the nearest town for someone else to take care of. With the decriminalism of alcoholism legislation which is being proposed, Chapel Hill will need a facility for handling alcoholics other than overnight jail. Mr. Seymore would like to see a short term facility for housing alcoholics picked up off the streets, and he would like a long term residence facility for providing rehabilitation and treatment.

Mr. Brent Glass, a member of the Preservation Society, was pleased that part of the plan was the conservation and management of the historical architecture of Chapel Hill. He encouraged the conservation of all cultural resources in Chapel Hill.

Mr. Martin Feinstein said he had not seen anything in the slide presentation with regard to growth. He asked if there was anything in the plan to adjust itself to the rate of growth.

Mrs. Edith Royal had attended some of the planning board meetings on developments proposed in Chapel Hill, and was concerned that the citizens did not know about the developments in their early stages. She asked if more than one announcement in the paper could be done to keep citizens abreast of growth in their community.

Alderman Cohen stated that health and welfare were provided for, under state legislation, by the County; and although the Town would work with the County, they actually had no control over these services.

Alderman Howes suggested a straw poll of citizens in the audience to see how many would prefer a no growth policy for Chapel Hill. A show of hands indicated approximately 30 to 40% of the audience for this policy. Mr. Herbert Posner did not think the question of growth or no growth proper to discuss at this time. He believed that in the next five to ten years, Chapel Hill should work for providing services which are needed now, then decide on how much growth they wanted.

Mrs. Ida Simpson stated the consideration of the Comprehensive Plan did not address the question of how livable the Town was. She wished the livability of the Town to be a guide for planning.

Mrs. Weaver stated that in her opinion any improvement would be growth.

Mr. Roscoe Reed asked if the Comprehensive Plan would be carried into the neighborhoods for consideration. Mr. Jennings replied that the Planning Board at present had under consideration a participatory planning process. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONTINUED CONSIDERATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Sanitary Sewer Improvements Serving a Portion of Wesley Drive - Public Hearing

Mr. Jenne reported that in May of 1976, the Board had considered a request to tap-in a house on Wesley Drive, to a substandard 4" sewer line. The reason for the request was a bad septic tank. It was pointed out at that time there were several houses in the area in the same situation, that is with bad septic tanks, or tanks that were expected to go bad. The Manager had recommended denial of the request to tap-in. He felt that it might be possible to obtain from the state a line extension permit for an 8" line. The Board had denied the request and indicated to the Manager to proceed with line design and efforts to secure a line extension permit. Both of these had now been done. Individual property owners had been notified of the proposed line extension and of the assessment of approximately \$3,000 per home, to be paid immediately or over a period of ten years with interest at 6%. The public hearing was being held in accordance with the statutes with regard to the preliminary intent to assess resolution. If the Board wished to take action on this matter, the appropriate resolution could be passed later in the evening.

Mr. Rod Ironside, a resident of Wesley Drive, was concerned about the matter of communication. He stated surveyors had entered upon his property without his being notified; nor had he requested any surveying. Different information on the sewer line had been given to different people. Mr. Ironside's property would be liable to easement which would necessitate the removal of several trees. He was upset that some trees had already been cut without his knowledge. While the preliminary resolution of intent to assess had proposed six lots to be served, he believed there were nine lots presently without sewer, which could be served. Adding more lots to the line should reduce the amount of assessment per property. Mr. Ironside also believed that for placement of the manhole, easement from one property owner would be needed by another. He did not think this easement would have to be given. Finally, Mr. Ironside stated the assessment in his opinion, was inordinately high to serve a small number of people. Mr. Jenne suggested Mr. McAdams, the engineer, or Mr. Harris review the physical aspects of the plans after other residents had been allowed to speak.

Mr. Ray Talmadge was also concerned that only seven of the nine property owners were being served by the sewer line. He also felt the assessment cost extremely high. The planning for the project had left much misinformation which needed to be corrected.

Alderman Howes asked the Manager if the sewer had to be acted on at this meeting. Mr. Jenne responded that the Board could take action on December 13. The design had been finished and the project put out for bids which were good for thirty days. The administration had been moving the project along because the Board had spent several hours on this matter in earlier meetings, and the staff at that time had given assurances that they would hurry the project.

Mr. Alan Stern stated he was not on the list of people to be served. In asking the town about the sewer line he had been told that the cost might be high because the line had to come a long way from the creek. He thought the town should share in this cost of the line over the park lands.

Mr. McAdams then traces the route of the sewer line along the map of the properties involved. It was found that Mr. Stern could be served by the line and his name was added to the original list of seven names. However, the other two property owners in the area could not be served efficiently by this line. They would have to be served from another line because of the flow of drainage. The assessment would be higher if these two properties were added to this line.

Mr. Roy Richardson stated the line would cut across the center of his front yard and would require the removal of several trees. This would ruin the aesthetics of his property. Mr. McAdams replied that care would be taken to leave some trees.

Alderman Howes stated that this was an issue only because the town did not require sewer lines at the time this area was built. Otherwise, the cost of sewer would have been included in the cost of the home as it is in the most developments. Alderman Vickery stated he would favor postponing action on this matter in order to have another public hearing and reassess the matter in light of the questions. Mr. Denny explained that if the hearing was closed, advertising would have to be done for another hearing. However, if the hearing was recessed to a date certain, the Board could then consider the matter again without advertising. ALDERMAN HOWES MOVED TO RECESS THE PUBLIC HEARING UNTIL DECEMBER 13, AT 7:30 P.M. ALDERMAN GARDNER SECONDED. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, GARDNER, HOWES, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN EPTING OPPOSING.

Drive-In Business Special Use Permit for Easco Photo Station - Public Hearing

Mayor Wallace called the public hearing to consider a request by E. and E. Developers for a drive-in business special use permit to order. He asked for those wishing to give evidence to come forward and be sworn. Mr. Jennings then made his presentation. He submitted the background report and asked that it be made a part of the record.

EASCO PHOTO STATION - VILLAGE PLAZA SPECIAL USE PERMIT

Background Report
November 22, 1976

Project Description: A request by E and E Developers for a Drive-In Business special use permit to locate an EASCO Photo Station at the Village Plaza Shopping Center on Elliott Road. The property is identified as Chapel Hill Township Tax Map 46, Block B, Lot 11. The Village Plaza Shopping Center is not currently under special use permit. The applicant proposes to designate a specific area within the Village Plaza parking lot to which the drive-in business special use permit will apply. The Photo Booth has a total enclosed floor area of 60 square feet, the facility will provide one day processing and developing of camera film and will sell related photo supplies.

Location: The proposed EASCO site is located on the north side of Elliott Road and within the Village Plaza parking area. Land uses abutting the site are predominantly commercial. The Village Plaza property is zoned regional commercial except for a 250 foot wide strip of R-20 zoning along its frontage with the Bypass. Abutting zoning includes regional commercial to the north, south, and west sides, and regional commercial and R-20 zoning to the east.

Public Utilities and Services: The property is located within the Chapel Hill Corporate Limits and has all public utilities and services available to it. No connection is proposed to either the water or sanitary sewer system. EASCO personnel will use the existing restroom facilities located within the shopping center.

Flood Plain: The property is not located within the Chapel Hill flood plain.

Access and Parking: Access to the EASCO facility is off Elliott Road which has a right-of-way width of 60 feet and a paved cross section of 36 feet.

Sufficient area to accommodate the required and expected off-street parking is available on the site.

No paved sidewalks exist along this portion of Elliott Road.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

Below is listed factual information supporting the four requirements necessary in Section 4-B-1-g of the Chapel Hill Zoning Ordinance.

Applicant desires to locate a photo pick-up station, as shown on Exhibit A, on the 11.3-acre shopping center located on Elliott Road. Please see the enclosed photo for an idea of the concept. The photo booth will be operated by Easco Photography, a Richmond corporation with several years of experience in the film sales and processing business. At present, Easco has 28 units in operation in Virginia and North Carolina. The existing North Carolina units already in operation include

Charlotte	7
High Point	1
Greensboro	3
Winston-Salem	5
Durham	4
Cary	1
Raleigh	4 plus 1 under construction
Gastonia	1
Monroe	1
Salisbury	1

In no North Carolina municipality and/or county has Easco Photography been denied the right to operate for any reason whatsoever.

The physical photo booths measure only 60 square feet in size and are located on concrete pads, the total area of which covers less area than the space required for one car to park. In addition, to the small area covered by the booth, an area approximately the size of two parking spaces on either side of the booth are required for convenient "drive-in" marketing. The facility is located with emphasis on clear visibility from all directions and safe traffic flow from either side.

The products carried for sale in the photo booth are limited to film, photo albums and closely related items. The primary service offered is one-day processing and developing of film. The actual processing of film is carried out in Richmond where the film is sent by an elaborate carrier system and returned to the booth within 24 hours for pick-up by the customer. The normal hours of operation are from 8 a.m. to 6 p.m., six days per week. The average shopping center location with a similar consumer profile, as the proposed location, will generate 45 visits per day. There is one personnel on duty during operating hours.

(1) Applicant contends that the proposed use will not materially endanger the public health or safety at the proposed location; as has been demonstrated nationally by identically the same type land use.

(a) The proposed location of the land use is excellent for a variety of factors. First, the location is within clear visibility for a sight

distance of over 220 feet from the nearest ingress-egress point for the shopping center; thereby, avoiding congestion. Second, the proposed location fits into the existing circulation pattern for the shopping center. Third, the proposed land use does not generate traffic in the normal sense of the word but instead thrives as a "parasite" on the existing traffic going to the other shops in the shopping center, particularly the food store. Over a ten-hour day, the 45 anticipated visits will result in 4-1/2 visits per hour. The average customary stay at the booth is only approximately one minute. Fourth, the proposed location of the land use is not involved in any public access pattern and is strictly an on-site circulation pattern located away from normal traffic flow.

Please see the attached engineering report on traffic situation.

(b) Proposed land use does not place any strain on existing public or private utilities. Underground electric service will be run at Easco's cost to the booth. Existing public restrooms will be utilized by the personnel involved; as a result, there is no new demand for sewer or water whatsoever. Likewise, an existing dumpster will be used and garbage collection will not be affected. With respect to fire protection, the building is constructed of fireproof material built to the State of North Carolina Building Code specifications.

(c) Existing erosion and sedimentation control plans are not affected.

(d) The question of the relationship of the site to Chapel Hill's floodplain is not applicable.

In summary, the proposed land use in no way whatsoever endangers public health or safety. If it did, we would not have received the approval of ten other North Carolina communities to do it. In addition, if there was a public hazard involved, such activities would not have been as popular as they are nationwide. It is a recognized fact that if a land use is dangerous, consumers avoid it.

(2) The proposed land use meets all the required conditions and specifications of the land uses permitted in the zoning classification "Regional Commercial" as described in Chapel Hill's Zoning Ordinance. In addition, it is significant to note that one of the purposes of said zoning ordinance is to cluster retail activities. The proposed use is an ideal land utilization in terms of following the design concepts embodied in the ordinance. The proposed land use is in fitting with the existing land uses around it on both sides of Elliott Road.

In summary, the proposed use complies with the existing land development regulations and standards.

(3) The proposed land use as stated in (1) above does not negatively affect or endanger the public or negatively affect adjacent land uses. As stated in (2) above, the proposed land use meets all standards required in the Chapel Hill Zoning Ordinance. As a consequence, the proposed use in no way whatsoever injures the value of adjoining or abutting property. In that the subject property's proposed use occupies only 1200 square feet of the 11.8 acres in the shopping center development, the applicant is quite sure that the owners of the shopping center would not have leased the small 1200 square foot area (less than one percent of land available) if there was the slightest bit of negative influence on the remaining land. Enclosed is a letter from the realtor who leases the shopping center stating the value of the land is not affected. If anything, the proposed use will increase adjacent land value.

In summary, the proposed land use fits in positively with the character of the existing and proposed development and could have a positive influence on the surrounding land values.

(4) As stated above, the proposed land use, as a retail activity, is compatible with the zoning classification "Regional Commercial". In fact, the existing merchants in the center when personally contacted stated they were behind the proposed use. The proposed land use is definitely in harmony with the surrounding area on both sides of Elliott Road for several hundred feet.

Further, the proposed land use is in compliance with the development plans of Chapel Hill, its floodplain guidelines and greenway plans.

In summary, it is the applicant's contention, as established above, that the proposed land use is sound in terms of economics and public safety. In no way will the proposed land use create a strain on the public, City of Chapel Hill and/or the adjacent property owners.

He stated the use would not materially endanger the public health. There was clear visibility entering and exiting the booth. The booth would be physically out of the flow of traffic. The business does not generate traffic, but rather is a parasite of existing traffic to the shopping center. Mr. Baily submitted a letter from a traffic engineer to support his opinion regarding the traffic flow. The proposed use would meet all required conditions and specifications of the land uses permitted. It would not affect the adjacent land or devalue surrounding property. He submitted a letter from Mr. Robbins of Robbins Realty Co. to support his statements on land valuation. Mr. Baily concluded by saying the land use is in compliance with the development plans of Chapel Hill.

Alderman Smith questioned whether a restroom might be required. Mr. Jennings stated that a restroom for this building would not be required by the North Carolina building code.

Mr. Robert Bryan of the Appearance Commission brought to the Board several concerns of the Commission. The first is that of the relationship of scale of the booth to the surrounding buildings. Second is the materials and color scheme, the design of the proposed booth. Most importantly, the Appearance Commission was afraid that this permit might set a precedent for other shopping centers in the area. Alderman Cohen questioned the location of the booth with regard to the bus park-ride lot. Mr. Jennings responded that the park-ride lot will be to the north of the booth and well away from the park-ride lot. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. The public hearing was adjourned.

Drive-In Business Special Use Permit Easco Photo Station - Public Hearing

Mayor Wallace called the public hearing to order, and asked for those wishing to speak to come forward and be sworn. Mr. Jennings submitted the background report for the Easco Photo Booth to be located on Highway 54 and Hamilton Road, and asked that the report be made part of the record.

MAXIMUM BUILDING HEIGHT	37 ft.
PROPOSED BUILDING HEIGHT	15 ft. 4 in.
REQUIRED NUMBER OF PARKING SPACES	2
PROPOSED NUMBER OF PARKING SPACES	2
UNIFIED HOUSING:	
NUMBER OF UNITS PERMITTED	N/A
NUMBER OF UNITS PROPOSED	N/A
UNIFIED BUSINESS:	
NUMBER OF BUILDINGS	N/A
TOTAL FLOOR AREA	N/A

The booth would be next to a service station owned by Kenan Oil Company on land zoned suburban commercial. No water or sewer would be extended to the site. The attendant would use the restroom facilities at the service station. There are no paved sidewalks. Surrounding areas are suburban commercial and R-5 to the east, and south and R-20 to the west. Alderman Smith asked where the entrance to the photo booth would be. Mr. Jennings answered that the booth would be using part of the existing station lot and the entrance would be off Highway 54. Alderman Epting suggested the developer work with the Appearance Commission to develop a building which would be more pleasing to the residents of Chapel Hill. Mr. Baily agreed to cooperate with the Appearance Commission. Ms. Parker asked if there were any plans to build a fence to the side of the booth to protect school children who would be using the right-of-way easement connecting to the school. Mr. Baily stated the booth had been designed to use the existing curb cut onto the highway. The cars would make a circular pattern. There would be landscaping to separate the booth from the easement. Mr. Limer asked if this location would create traffic as opposed to the location at the shopping center which used existing traffic. Mr. Baily did not believe the booth at this location would generate more traffic than was already on Highway 54. Mr. Gary Giles suggested the booth's exit pattern be onto Hamilton Road then to the stop light on Highway 54 to create less of a hazard for school children. Mr. Bailey stated the developer would work with the town to create a safe entrance and exit. Mr. Bryan of the Appearance Commission repeated his concerns about the booth at this location as were expressed about the shopping center location. Mr. Baily explained the operation of the booth in answer to a question from Alderman Howes. He submitted a statement of justification for the project to be included in the record.

(See following page.)

Mr. Baily also submitted a letter from a traffic consultant to support his opinion regarding the project on Highway 54, and a letter from Mr. Richard Royall, a realtor regarding the property values. He did not believe the project would harm surrounding land values. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, TO REFER THE MATTER TO THE PLANNING BOARD AND THE APPEARANCE COMMISSION FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. The public hearing was adjourned.

Request by B. B. Sparrow for a Unified Housing Development Special Use Permit - Public Hearing

Mayor Wallace called the public hearing to order and swore in those wishing to make statements. Mr. Jennings stated the applicants were B. B. Sparrow and Emily Sparrow, who were requesting a unified housing special use permit to divide a large single family dwelling into four apartment units. He submitted the project background report for inclusion in the record. (See the following page)

The project is located on Old Lystra Road, on 3.2 acres of land identified as Tax Map 128, Block B, Lot 7. Access is proposed by a 60-foot public right-of-way. There are no public utilities. Water is by well and sewage by septic tank. All surrounding land uses are residential. Six parking spaces are required, and ten are proposed.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

Below is listed factual information supporting the four requirements necessary in Section 4-B-1-g of the Chapel Hill Zoning Ordinance.

Applicant desires to locate a photo pick-up station, as shown on Exhibit A, on Raleigh Road. Please see the enclosed photo for an idea of the concept. The photo booth will be operated by Easco Photography, a Richmond corporation with several years of experience in the film sales and processing business. At present, Easco has 28 units in operation in Virginia and North Carolina. The existing North Carolina units already in operation include

Charlotte	7
High Point	1
Greensboro	3
Winston-Salem	5
Durham	4
Cary	1
Raleigh	4 plus 1 under construction
Gastonia	1
Monroe	1
Salisbury	1

In no North Carolina municipality and/or county has Easco Photography been denied the right to operate for any reason whatsoever.

The physical photo booths measure only 60 square feet in size and are located on concrete pads, the total area of which covers less area than the space required for one car to park. In addition, to the small area covered by the booth, an area approximately the size of two parking spaces on either side of the booth are required for convenient "drive-in" marketing. The facility is located with emphasis on clear visibility from all directions and safe traffic flow from either side.

The products carried for sale in the photo booth are limited to film, photo albums and closely related items. The primary service offered is one-day processing and developing of film. The actual processing of film is carried out in Richmond where the film is sent by an elaborate carrier system and returned to the booth within 24 hours for pick-up by the customer. The normal hours of operation are from 8 a.m. to 6 p.m., six days per week. The average shopping center location with a similar consumer profile, as the proposed location, will generate 45 visits per day. There is one personnel on duty during operating hours.

(1) Applicant contends that the proposed use will not materially endanger the public health or safety at the proposed location; as has been demonstrated nationally by identically the same type land use.

(a) The proposed location of the land use is excellent for a variety of factors. First, the location is within clear visibility for a sight distance of over 750 feet from either direction on Raleigh Road on which the proposed land use fronts. Second, the proposed location fits into the existing

circulation pattern now employed on the lot. Third, the proposed location is 50 feet from its curb cut on Raleigh Road, thereby, allowing safe, easy ingress-egress to Raleigh Road. The proposed land use does not generate traffic in the normal sense of the word but instead thrives on, as a "parasite", existing traffic going to Glen Lenox Shopping Center across the street, nearby apartments, motel, public school and other land use activities in the surrounding area. During a ten-hour business day, the anticipated visits would result in five visits per hour with the ordinary customer's stay at the booth being approximately one minute.

Please see the attached engineering report on traffic.

(b) The proposed land use does not place any strain on existing public or private utilities. Underground electric service will be run at Easco's cost to the booth. Existing public restrooms will be utilized by the personnel involved; as a result, there is no new demand for sewer or water whatsoever. Likewise, an existing dumpster will be used and garbage collection will not be affected. With respect to fire protection, the building is constructed of fireproof materials and built to the State of North Carolina Building Code specifications.

(c) Existing erosion and sedimentation control plans are not affected.

(d) The question of the relationship of the site to Chapel Hill's floodplain is not applicable.

In summary, the proposed land use in no way whatsoever endangers public health or safety. If it did, we would not have received the approval of seven other North Carolina communities to do it. In addition, if there was a public hazard involved such activities would not be as popular as they are from the typical consumer's standpoint. It is a well-recognized fact that if a land use is dangerous consumers will avoid it.

(2) The proposed land use meets all the required conditions and specifications, as described in the Chapel Hill Zoning Ordinance, of the land uses permitted in "Suburban Commercial" except for making provisions for a ten-foot planting strip as indicated on the enclosed site plan. In addition, it is necessary that a subdivision plat be prepared, copy of which is enclosed, that could be recorded in the Courthouse. The proposed use is compatible in terms of the concept embodied in the ordinance. Further, the proposed land use is in fitting with the existing land uses around it on both sides of Raleigh Road.

In summary, the proposed land use complies with the existing land development regulations, as excepted above. The exceptions involved have been taken care of.

(3) The proposed land use as stated in (1) above does not negatively affect or endanger the public nor negatively affect adjacent land uses. As stated in (2) above, the proposed land use meets all standards required in the Chapel Hill Zoning Ordinance. As a consequence, the proposed use in no way whatsoever injures the value of the adjoining or abutting property. The applicant is quite sure the owners of the parcel would not have leased the

small 1200-square foot area if there was the slightest bit of negative influence on the remaining land value. In addition to owning the subject property, they own the adjacent acreage. Enclosed is a letter from a realtor stating the value of the land is not affected. If anything, the proposed use could increase adjacent land values.

In summary, the proposed land use fits in positively with the character of the existing and proposed development and has a positive influence on surrounding land values.

(4) As stated above, the proposed land use, as a retail activity, is compatible with the zoning classification "Suburban Commercial". The proposed land use is definitely in harmony with the surrounding on either side of Raleigh Road. Please refer to the map submitted with this application showing ownership and land use.

In summary, it is the applicant's contention, as established above, that the proposed land use is sound in terms of economics and the public safety of the citizens of Chapel Hill. In addition, the proposed land use will not create a strain on the public, City of Chapel Hill and/or adjacent property owners.

SPARROW APARTMENTS
UNIFIED HOUSING SPECIAL USE PERMIT
Project Background
November 22, 1976

Project Description: The applicant requests a unified housing special use permit to divide a large single family dwelling into four (4) apartment units. The existing structure is located on 3.2 acres of land zoned partially R-20 and partially agriculture. The R-20 zoning extends 250 feet back from the right-of-way line of Old Lystra Road.

Location: The lot is located on the west side of Old Lystra Road at the point where the southern boundary of the Chapel Hill planning area crosses Old Lystra Road. The property is identified as Chapel Hill Township Tax Map 128, Block B, Lot 7.

Project History: On March 10, 1975 Mr. Vernon Sparrow obtained a building permit from the Orange County Building Inspector to enlarge his existing single family dwelling. Mr. Vernon Sparrow informed the County Building Inspector that the structure was located on the Orange County side of the planning area line. Since this time, considerable work has been done on the house. The exterior of the structure appears to be complete, however the interior is unfinished. When the trustees of Vernon Sparrow took charge of this property they determined multi-family to be the best use for the site due to the size and unusual layout of the floor plan. Upon application to the Orange County Planning Department for approval of the multi-family unit and subsequent discussions with the Chapel Hill Planning Department it was determined that the structure is actually located within the Chapel Hill planning area. The trustees have therefore applied for a Unified Housing Special Use Permit which is required for all multi-family developments having 3 or more units.

Public Utilities: Water service is proposed by well and sewer service is proposed by septic tank. No fire protection is available to the property.

Flood Plain: The property is not within the Chapel Hill Flood Plain.

Traffic and Parking: The property has access from Old Lystra Road which is not shown as a thoroughfare on the adopted Thoroughfare Plan but is shown as a thoroughfare on the proposed revision of the Thoroughfare Plan. Old Lystra Road has a right-of-way width of 60 feet and is a paved two-lane facility. Access to the proposed apartments is by an unpaved and unnamed 60-foot wide easement which gives access to property to the west including the proposed eight-lot Sparrow Subdivision. Six off-street parking spaces are required to serve the project and ten spaces are proposed. The proposed loop drive is not proposed for paving.

Mr. Sparrow submitted a statement of justification for the project for inclusion in the record.

Statement of Justification by the Applicant

1. The current owners of this house, B. B. Sparrow, Emily S. Sparrow and Beth S. Spaugh are trustees duly assigned the responsibility of selling this property to recover monetary investments used to complete the exterior, to grade the yard, and to bring the interior to its present unfinished status.
2. The house as it exists has very limited sale value. If sold as it now exists or if the 3.2 acres is sold for three separate houses the area could be less attractive than the 3.2 acres with one completed \$80,000 structure.
3. Income from a minimum of four units is required to adequately maintain the house and yards and to pay the taxes for this size structure.
4. The house has a circle drive already built so that every car can enter the road safely. The lot is on a State-maintained paved road. A maximum of 8 cars will present no traffic problem.
5. Soil erosion is to be controlled by a stone wall, gravel, and plants about the house.
6. The location of the single house on 3.2 acres will furnish plenty of open space for four families and more outdoor space than four separate houses on the 3.2 acres. When landscaping, etc. is completed, this multi-family house can be an asset to the community.
7. The location and character of the multi-family use will be in harmony with the area. The exterior construction is such that it will not appear to be a multi-family house.
8. Land use within the perimeter of those who have expressed some opposition to this project is most variable with 4 farming operations, 2 trailer parks, an apartment complex, a church, residences having a value range from \$4,000 to \$80,000 in both Chapel Hill and County zoning areas. Located in yards of residents are 5 rental units. In addition to these, there are 8 single family houses that are rented.
9. Many people are transient in Chapel Hill and its suburbs with any area subject to occupancy by undesirables. The nearest house has been sold three times and is currently for sale.
10. There is currently one well on the property. The water supply by a well or wells will provide ample water with quality of water meeting the standards of the Health Department.
11. Sewage disposal officials have been consulted, have visited the project, and have stated that sewage disposal on the 3.2 acres can be adequate for 4 families or 8 bedrooms. Mr. Dobson has agreed to testify at the November public hearing.
12. The structure is within the fire district of the North Chatham Fire Department. The upstairs rooms have two exits as well as windows on porches on each end that would facilitate emergency evacuation.
13. Our desire to preserve the basic integrity, beauty, and variable nature of the community is enhanced by the fact that we were reared in the area and currently live and/or have property interests in the area.
14. Two to four multi-family units are preferred places to live and there is a great demand for this type housing. Such units have generally caused no problems in residential areas.

He stated the trustees were assigned the management of the property without any input into the building of the home. The home is now complete with the exception of the painting and the landscaping. Mr. Sparrow stated the project was within .8 mile of trailer parks, and multi-family dwellings. The health department had said the sewage could be handled by septic tank, and the land could accommodate a septic tank. He then presented a petition signed by property owners in the area who were in favor of the project.

Mr. William Locke asked for a clarification as to why the project was again before the Board. Mr. Denny explained that Mr. Sparrow had withdrawn his request after the last public hearing. Mr. Locke then stated that many of the signatures on Mr. Sparrow's petition contained the signatures of residents of Durham and other communities and not those of the residents living in this area.

He presented a petition signed by residents in the community against the project. Mr. Locke thought the home was being turned into apartments because of mismanagement of the estate. He did believe other home owners in the area should suffer by allowing the estate to recoup its losses by turning the home into apartments. He felt the project would decrease the property values in the surrounding area. He stated that any trailer parks or apartment buildings in the area were in the Orange County Planning Zone, that Chapel Hill had not allowed any apartment buildings or trailer parks in its planning zone. He added that the building permit under which the home had been renovated called for an addition of a den, not changing the home into apartments. Mr. Locke also stated that the road in front of the Sparrow home would have to be widened for apartments, but since it was not a public road could not be widened without several property owners agreement. Mr. Locke thought that part of the drain field for the septic tank would be under the circular driveway proposed. Mr. Ralph Hemming agreed with Mr. Locke in his criticism of the project, and stated he was concerned about the noise which would be created by residents of an apartment building.

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN VICKERY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. THE PUBLIC HEARING WAS ADJOURNED.

Request by Alpha Chi Omega for Special Use Permit to Construct a Sorority House at 215 E. Rosemary Street

Mayor Wallace called the meeting to order and called for those wishing to speak to come forward to be sworn. Mr. Jennings submitted the background report for inclusion in the record.

ALPHA CHI OMEGA SORORITY
SPECIAL USE PERMIT

Background Report
November 22, 1976

Project Description: A request by Alpha Chi Omega for a special use permit to construct a sorority house on property located at 215 E. Rosemary Street identified as Chapel Hill Township Tax Map 80, Block B, Lot 43 and part of Lots 44 and 55. The applicant proposes to remove the existing residential structure and its accessory buildings. The existing structure (the Huskey House) is believed to have been built in the first third of the last century and is on the National Register of Historic Places.

The property contains a total area of 29,400 square feet and is zoned R-10A except for a portion of the rear yard which is zoned R-6. The proposed sorority house will have a total enclosed floor area of 9,800 square feet.

Location: The property is located on the north side of E. Rosemary Street and 75 feet east of the Telephone Exchange Building. The abutting land uses are predominately residential although the eastern boundary of the central business district is within 75 feet of the applicant's property. Abutting zoning districts include R-6 to the north, R-10A to the west and east and limited business and R-10A to the south.

Hill corporate limits and has all public utilities and services available to it. The applicant proposes a maximum of 31 resident members. The estimated waste water discharge, based upon 100 gallons per resident, is 3,100 gallons per day. The discharge from the existing single family dwelling is calculated at 400 gallons per day. NOV 22 10

Flood Plain: The property is not located within the Chapel Hill Flood Plain.

Access and Parking: Access to the property is from E. Rosemary Street which is designated as a major thoroughfare on the adopted Thoroughfare Plan. Rosemary Street has a right-of-way width of approximately 45 feet and a paved cross-section of 24 feet.

Off-street parking (31 spaces) meeting the requirements of the zoning ordinance is shown on the proposed site plan.

An existing Chapel Hill gravel sidewalk is located along the frontage of the property with Rosemary Street.

The request of Alpha Chi Omega was for a special use permit to construct a sorority house on property located at 215 E. Rosemary Street after removing the existing 3 structures on the property.

The property is identified as Tax Map 80, Block B, Lot 43. It is approximately 29,400 square feet zoned R-10A. The property is surrounded by R-6 to the north, R-10A to the west and east and limited business and R-10A to the south. The central business district is within 75 feet to the east. Access would be off of Rosemary Street with a drive on the western part of the property. Parking would be to the rear of the property. The sorority house would house 31 members. The Planning Board surveyed a similar house in the area for traffic, and counted the number of cars entering and leaving the property at different times of the day.

Mr. James Webb, architect for the project, submitted a statement of justification for the project, for inclusion in the record.

REQUEST

In order to construct a sorority house on the lot owned by Alpha Chi Omega, Inc. at 215 East Rosemary Street, designated 80-B-43 on the Orange County/Chapel Hill Township Tax Map, the owners are requesting a Special Use Permit for a sorority house on this property. This is in accordance with the regulations for special use permits of the "Ordinance Providing For the Zoning of Chapel Hill and Surrounding Areas."

BACKGROUND

The property consists of the principal rectangular lot fronting 134 feet on Rosemary Street and extending North to a depth of 205 feet, and an extension to the rear consisting of a rectangle 103 feet wide and 50 feet deep. The principal lot is designated 80-B-43 on the Orange County - Chapel Hill Township Tax Map, and it lies within zoning district R-10A, which permits fraternity and sorority houses by special use permit. The small rear extension of the lot is within zoning district R-6. The entire program of improvements as planned by Alpha Chi Omega takes place within the property zoned R-10A. The rear lot extension will be used for parking only.

A single family rental unit and two out-buildings occupy the lot at this time; both of which are to be removed.

The proposed sorority house will house approximately 31 resident members, with social and dining facilities to serve an estimated total resident and non-resident membership of about 75 girls. The local chapter of Alpha Chi Omega is newly established. They do not presently own or occupy a sorority house in Chapel Hill.

Substantial material evidence is presented herein (and will be presented at the public hearing) to support the four findings which must be made by the Board of Aldermen in order to grant a special use permit, as explained in

Board of Aldermen

5C

November 22, 1976

Application by the Alpha Chi Omega Fraternity, Inc. for a Special Use Permit for the construction of a Sorority house at 215 East Rosemary Street, in areas currently zoned R-10A Residential District, and R-6 Residential. This application is in accordance with the procedural requirements specified in Section 4-D-9 ("Special Use Permits - Regulations for Special Use Permits - Fraternity and Sorority Houses") of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas.

STATEMENT OF JUSTIFICATION

October 7, 1976

Attachment to Application for
Special Use Permit

Alpha Chi Omega Fraternity, Inc.

Board of Aldermen

PROJECT FACT SHEET
SPECIAL USE PERMIT
5B1

November 22, 1976

NAME OF PROJECT Alpha Chi Omega Sorority House

TYPE OF SPECIAL USE REQUEST Sorority House

LOCATION (STREET ADDRESS) 215 E. Rosemary St., Chapel Hill, N. C.

TAX MAP, BLOCK, AND LOT REFERENCE Map 80, Block B, Lot 43 and parts of
Lots 44 and 55.

NAME AND ADDRESS OF APPLICANT Alpha Chi Omega Fraternity, Inc.

8733 Founders Road, Indianapolis, Indiana 46268

TOTAL AREA OF PROPERTY Approximately 29,400 square feet

TOTAL AREA OF THIS SECTION OR PHASE Approx. 5,760 sq. ft. land area coverage
Approx. 9,800 sq. ft. enclosed floor area

TOTAL AREA OF RECREATION AREA OR OPEN SPACE N/A

TOTAL AREA WITHIN FLOOD PLAIN None

ZONING DISTRICT(S) R-10A and R-6

REQUIRED MINIMUM LOT SIZE 20,000

REQUIRED YARDS:

PROPOSED YARDS:

FRONT 35'

FRONT 35'

REAR 25'

REAR 50'

SIDES 12'

SIDES 28' & 37'

MAXIMUM BUILDING HEIGHT 35' and 2½ stories

PROPOSED BUILDING HEIGHT 32'

REQUIRED NUMBER OF PARKING SPACES 31* parking spaces

PROPOSED NUMBER OF PARKING SPACES 31 parking spaces

UNIFIED HOUSING:

NUMBER OF UNITS PERMITTED N/A

NUMBER OF UNITS PROPOSED N/A

UNIFIED BUSINESS:

NUMBER OF BUILDINGS N/A

TOTAL FLOOR AREA N/A

*31 resident members in the sorority house

section 4 of the Chapel Hill Zoning Ordinance. These four required findings are: 1) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted; 2) that the use meets all required conditions and specifications; 3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; 4) that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

FINDING ONE: THE USE WILL NOT ENDANGER PUBLIC HEALTH OR SAFETY

The construction of a sorority house for 31 resident members of Alpha Chi Omega will not endanger the public health or safety of the community.

Traffic conditions in the vicinity will not be materially affected because of the relatively small number of resident members who will be storing their cars on the property and periodically driving in and out. The excellent proximity of the property to the main UNC campus and the service provided by the campus "U" bus, would reduce the likelihood of non-resident members using their cars to drive to the sorority during daylight hours. The highest level of traffic likely to be generated at the house would occur on weekend nights, when social events might take place; and this timing would coincide with a period of low general traffic on Rosemary Street.

The access drive from Rosemary Street into the property occurs at an excellent location to avoid possible conflict with traffic patterns at intersections on Rosemary, being located approximately 75 feet to the east of Spring Lane. Visibility from the vantage point of cars on Rosemary Street and cars leaving the sorority house into Rosemary Street would be excellent. The landscaping, as shown on the site plan, will also be such as to maximize visibility.

The need for improvement of the existing sanitary sewer services to the property is being dealt with separately, through the procedures established

by the Town of Chapel Hill. At present a house sewer connects the existing dwelling unit to the city system.

Soil erosion is not a problem on this lot because of the mild slope and the abundance of planting. Sedimentation during construction will be controlled by the use of straw bales at natural low points at the edge of the construction areas and at entrances to drainage causeways or right-of-ways. The area is not within the Chapel Hill Flood Plain district.

FINDING TWO: THE USE, AS PROPOSED, MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS

The proposed development meets the requirements of section 4 of the Chapel Hill Zoning Ordinance, which defines the regulations for Special Use Permits for Fraternity and Sorority Houses. The proposed development is entirely within the R-10A zone - - the only zone in which fraternities and sororities are permitted. The small rear extension of the lot, which is in zone R-6, will undergo improvement only for parking, as shown on the accompanying site plan. The area of the lot - - not including the back extension - - is approximately 29,400 square feet, which is both more than two times the enclosed floor area of the proposed building (approximately 9,800 square feet) and more than the 20,000 square feet minimum specified in the zoning ordinance. The parking requirement - - one off-street parking space for each resident member - - has been exceeded. The parking is screened from the view of the adjoining properties. An off-street loading area will be provided as shown on the site plan.

The Alpha Chi Omega sorority house provides approximately 300-325 square feet of enclosed floor area for each resident member, exceeding the minimum requirement of 250 square feet provided for in the ordinance.

The depths of setbacks are as follows:

Front 35 feet (thirty five feet required);

Rear 50 feet (twenty five feet required);

Sides 28 and 37 feet (twelve feet required);

The building height is 32 feet and 2 stories (plus an exposed basement in the rear, due to the terrain)

15

Board of Aldermen

The developer, Alpha Chi Omega Fraternity, Inc., has prepared a list of owners of all properties within five hundred feet of the property for which the Special Use Permit has been requested, and has provided the Building Inspector with two copies of the list. Copies of the Legal Notice for the Public Hearing have been mailed in stamped, addressed envelopes, as prescribed in the ordinance. Other supporting material (the area sketch map, site map, and building elevations) showing the required neighborhood ownership; land use, zoning, etc; and the proposed sorority house lot and its circulation, parking and loading, natural elements, and preliminary elevations; all accompany this Statement of Justification.

FINDING THREE: THE USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY OR IS A PUBLIC NECESSITY

The Alpha Chi Omega sorority house will not injure the value of adjoining or abutting properties. If anything, it will increase the value of properties in the immediate vicinity: Located as it is, near the western end of the R-10A zoning district abutting the CBD zone, it will act as an effective continuation of the gradual change from CBD to more purely residential use which is presently accomplished on the north side of Rosemary Street by the historic Henderson office building and the Chapel Hill Telephone Exchange, and on the south side of Rosemary Street by the traditional "residential" design quality of the Rashkis Real Estate Company, the Kappa Delta sorority, and the Tau Epsilon Phi fraternity.

The present structure occupying the lot is a very run-down rental unit which adversely contrasts with the better-maintained properties on the north side of Rosemary Street. However, because of the historic background associated with this building every possible effort is being undertaken between the owners and the Chapel Hill Preservation Society as well as other interested parties to salvage the building and relocate it at a suitable location as well as undertake its renovation and preservation.

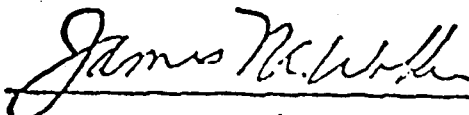
Because of the existing mixed nature of use and structures in the area, consisting predominantly of sororities, fraternities, business structures and the adjoining CBD zone to the west, there seems to be little (if any) possibility that the proposed re-use of this property will have an adverse effect on property values, particularly since the area has already been established as a sorority - fraternity zone.

FINDING FOUR: THAT THE LOCATION AND CHARACTER OF THE USE IF DEVELOPED ACCORDING TO THE PLAN AS SUBMITTED AND APPROVED WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL AND ITS ENVIRONS

The use of this property for the Alpha Chi Omega Sorority House is in conformity and harmony with the immediate area and the general plan of development of Chapel Hill. It will become another of a family of several fraternities and sororities which are already located within 500 feet of the property. The proposed site is also within 500 feet of the University campus and the CBD. This location permits students to walk to classes or to downtown businesses, adding support to the central business district. The traditional architectural character of the building together with the landscaped site as shown on the building elevations and site plan, is intended to compliment and harmonize with the related "village" styles which are characteristic of much of this area, designated as a part of Chapel Hill's proposed historic district. The limited parking facilities, primarily to the rear, will be so located and screened so as to be inconspicuous and inoffensive to the neighborhood.

The proposed development is not within the Chapel Hill Flood Plain, and does not interfere or contradict the Chapel Hill Thoroughfare Plan or the Greenway Plan, in any way.

We believe the proposed Alpha Chi Omega Sorority House satisfies the four criteria necessary to qualify for a Special Use Permit in this zoning district on this lot. This request is therefore respectfully submitted.



James N. Webb, Architect

Representative for Alpha Chi Fraternity, Inc.

Dated: October 8, 1976

Mr. Webb then discussed the four findings necessary for the special use permit. He believed the figures for traffic given by Mr. Jennings to be an accurate representation of what could be expected for this project, and would not be a safety hazard to the area. Water and sewer are available. The use as proposed meets all required conditions and specifications. He did not believe the sorority house would decrease the value of adjoining property. Mr. Webb's own property which was near a sorority house in the area had increased in value over the last 20 to 30 years. The use was in conformance with the plan of the Town of Chapel Hill, in that the property is zoned for sorority and fraternity and has been zoned this for some time. The historic building on the property has been offered to the preservation society. This will need to be removed from the property or taken down and reconstructed somewhere else.

Mrs. Nancy Preston, speaking for the Chapel Hill Preservation Society, was concerned about the Huskey House which is presently on the property. She read a portion of the description listing the Huskey House in the Federal Department of Interior's National Register of Historic Places. Because of the history and interest in this building, the Preservation Society was recommending the Alpha Chi Omegas incorporate the oldest part of the house into its plans for the property. The society's second concern was that the character of the neighborhood not be changed by another sorority. Added to the Tri Delta request for a sorority house, this project would mean 100 new residents into an area trying to maintain a residential character. She asked that the Aldermen ask themselves the relevant questions regarding traffic control, the preservation of trees and open spaces and the delivery of necessary public services.

Mrs. Harriett Ballentine stated the sorority had offered the Huskey house to the Preservation Society and hoped that they would preserve the house. She also presented a petition with 22 signatures from property owners within 500 feet of the project who did not object to the project.

Alderman Epting asked if the sorority would keep the house on its present site if the preservation society provided funds to renovate the house. Mrs. Ballentine stated they would consider this if there was room for the sorority house to be constructed and still meet the city requirements for yards. Mr. Webb stated there would not be room for the Huskey House with the sorority house and the parking required by the Town. Even if the Huskey house was moved to the side of the lot, extensive revisions would be needed to the sorority house, as well as variances from the requirements, for all to fit on the property. Alderman Vickery asked Mrs. Preston if the Preservation Society could find another site for the Huskey House. Mrs. Preston said they probably could, but would prefer to keep it on the original site. In response to Alderman Epting, Mr. Webb stated that unless the house was moved partially onto Horney property, there would not be room on the property for the sorority house and Huskey house, even with side variances.

Mrs. Carolista Baum submitted a letter to the Aldermen and asked that it be included in the record.

To: Chapel Hill Board of Aldermen

From: Walter and Carolista Baum

We request the Board of Aldermen deny the special use permit on the Coenan property for the Delta Delta Delta Sorority because:

it endangers public safety,

it puts an undue hardship on residents,

it will decrease surrounding property values, and

it will significantly change the residential character of the neighborhood.

The public safety and well being is significantly endangered as noted that the increase in density of 90 to 100 girls at meal time. The use of trucks to bring food supplies (at present no trucks are permitted on this section of Rosemary Street), inadequate parking being provided for 25 spaces for 44 live-in residents, an increase from 19 to 44. 90 to 100 girls at meal time and their guests. Where are all the cars going to park? (Surely they all do not walk as is evident). As pointed out in the past years, and a traffic study you received at the last Alderman meeting, the traffic is a hazard to public safety at present and the increase will only be more injurious to the safety of the local residents and puts undue hardship on the neighborhood. The Planning Board also has on its agenda November 23, a request for additional Library parking needs which will add additional density of cars. (The Library use surely is more in the public interest. Can we handle both? No!)

An additional parking lot has been approved for the Horace Williams House. A request for a sorority one (1) block down Rosemary from the intersection of Hillsborough and Rosemary which will increase traffic - by another 100 cars.- The Town must make a commitment to an historic residential committee as it has indicated it wants to be the Historic District or give the residents the right to know how the Comprehensive Plan will go. How can we continue to spot special uses and not evaluate the long range?

We feel this will significantly change the historical character of the property. A dining hall for 44 residents and non-residents (possibility of 100 girls) of 3,000 sq. ft. (larger than a number of restaurants in the area) which serves 3 (?) meals a day. This is commercial use in a residential area. As many as 115 girls can live on this site according to the zoning. This is at least 5 times higher than multi-family zoning. What prevents the 44 from increasing to 115? Has this been considered?

Selling the Coenan property as single family residential is possible for the \$205,000 which we understand is being asked for the one plus acre of property. Three (3) houses on an acre of land plus two (2) lots without houses would bring this price if put on the market to the general public. There are two (2) houses on the block which have recently been purchased (within 6 mos.) by single families for residential use which are comparable in price for their respective lot sizes. The "non-existent" parking lot on the corner of Hillsborough and Rosemary Streets was purchased by Mrs. Coenan several years ago (she outbid the Chapel Hill Preservation Society for purchase of the lot). If in fact this lot is sold for a Sorority (Fraternity) for their use, the surrounding property values will decrease. As an example, Mr. Henry Lewis of the Institute of Government, sold his home for less than he paid for it because the Fraternity was so disruptive no one wanted to purchase.

There has been no action on the committee's request for a stop sign on Boundary and Rosemary, a no passing zone, etc. We have not even received any correspondence on it as petitioned. When the Special Use Permit was considered by the Staff, the alley street was not mentioned, it usually has 10 cars parked off to the side. We want to know why? This certainly has a bearing on the use of the property and is a traffic hazard. Side walks were not discussed and access to Franklin by car was not mentioned.

An additional public hearing was requested to supply additional facts and was denied. In a court of law, when additional facts are available, a case is re-opened. Legally the Town should make a determination on a special use permit after it has all the facts, and it did not have all the facts. We feel that the Planning Board and Board of Aldermen deserve the right to make decisions when all factors, pro and con, are at their disposal.

The Betty Smith property was re-zoned out of Fraternity/Sorority when the Preservation Society bought the property. At that time, the Coenan property was requested by the residents to be re-zoned R-10, out of Fraternity/Sorority (R-10A) and we were told by the Board of Aldermen to wait until the comprehensive plan was completed. We are still waiting!

As pointed out before, Mr. Denny the Town attorney is also Mrs. Coenan's attorney and we feel this could be a conflict of interest.

There are many other facts that we feel back our request for denial of the Special Use Permit. If the Board wishes these, we will be happy to supply them.

She stated the increased density of traffic would be a hazard. She added that moving the Huskey House would change the historic value of the house. Mrs. Baum asked Mr. Jennings for an estimation of the number of persons who could live on the property. Although only 31 members were proposed for residence, there would be many more girls dining in the house, which would create more traffic. Mr. Jennings stated 58 girls could live on the property.

Mr. Henry Patterson, representing Mrs. B. F. Thompson, owner of the abutting property to the east, stated he was pleased to have the sorority. He was not concerned about the property value decreasing. He believed the sorority would enhance the property values. Alderman Epting asked Mr. Patterson if he would give an easement to the sorority to enable them to move the Huskey House to the side of their lot. Mr. Patterson said he had not anticipated the question, but thought something might be worked out.

Mr. Mel Rashkis, a member of the Preservation Society and the Chapel Hill Realtors, has his office across the street from the sorority property. He did not object to the sorority house on the property.

Alderman Smith stated he thought the Board should consider the impact of traffic on Rosemary and Franklin Streets with any new development. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY

Request by Orange County for a Special Use Permit for the Orange-Person Chatham Mental Health Center - Public Hearing

The request is by Orange County for a special use permit to renovate and use the three existing structures located on the previous Northside School property for use as the Orange-Person-Chatham Mental Health Center and similar quasi-public uses. The property is identified as Tax Map 84, Block J, Lot 3 and is zoned R-6. Surrounding property is R-6 and R-4A to the north, south and east, and R-4 and R-6 to the west. Mr. Jennings submitted the background report for inclusion in the record. He stated that 1 uses in the areas are residential. Several programs are housed in the existing multi-purpose center. The other two structures which are presently vacant will house the Orange-Person-Mental Health Clinic. Access is off the Caldwell Street Extension. Mr. Jennings then went over the site plan of the property. There is a paved sidewalk on the west side of Church Street. Alderman Smith asked if the loop driveway was to be paved. Mr. Jennings answered that only a gravel drive was proposed. Mr. Webb stated that discussions had been held with the Town Manager and the Planning staff on a long range plan for the property. It is not necessary to have the loop now; the drive could be blocked off at one end until later. More important was providing the town with a future right-of-way. Other changes might come in as modifications to the special use permit. The County now is trying to formulate a feasible program to take advantage of the funding available. Mr. Webb stated the grade would be changed. He submitted the statement of justification for inclusion in the record. He also submitted an outline of proposed uses for inclusion.

Application by the Orange County Commissioners for a Special Use Permit to enable the construction of a clinic facility in the unoccupied buildings of the former Northside Elementary School. The property is located in Use Zone R-6 (Residential) and is designated Map 84 - Block J - Lot 3 on the Chapel Hill Tax Map series. This application is in accordance with the procedural requirements specified in Section 4 of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas (Regulations for Special Use Permits; Quasi-Public Buildings for Institutional Organizations of an Educational and/or Non-Profit Character).

STATEMENT OF JUSTIFICATION
October 8, 1976
Attachment to an Application for
Special Use Permit for the
Orange-Person-Chatham Mental Health Center

REQUEST

For a Special Use Permit to renovate two existing buildings of the former Northside School complex for use as the Orange-Person-Chatham Mental Health Center, the Orange County Commissioners request that the Permit be made applicable to the entire property designated 84-J-3, for the establishment of "Quasi-Public Buildings for Institutional Organizations of an Educational and/or Non-Profit Character," which are permitted by special use in R-6 areas. By including the entire property under this application, the Chapel Hill-Carrboro Multi-Purpose Center which occupies an adjoining building also will be brought into conformity with Town zoning regulations.

BACKGROUND

The present existing building group of the former Northside School consists of three buildings located on the northwest side of a 9.23 acre lot owned by Orange County. The oldest building is now used as the Chapel Hill-Carrboro Multi-Purpose Center. The other two, a cafeteria building and the newer classroom building, located adjacent to the Multi-Purpose Center, comprise the buildings which the Orange-Person-Chatham Mental Health Program expects to renovate and re-use as a Center. The classroom building is a modern unit built in 1957-8 but vacated when the school population was later reassigned to other schools. Since that time it has remained vacant and during the last ten years or so has been subjected to fire damage and vandalism.

The proposed new Center will house the following general types of activities: 1) A custodial Day Care Center, 2) A developmental (training) Day Care Center, 3) Day Care consultants' offices, 4) Counseling, therapy, and meeting rooms of various sizes, 5) A walk-in clinic with associated waiting areas, etc. 6) A medical room for the administration of minor medical treatment by a nurse, 7) The business offices for the entire Orange-Person-Chatham Mental Health Center and 8) A therapeutic demonstration kitchen. The proposed center does not provide domiciliary care and hence will have no hospital beds. All in-patient services and care are provided at N. C. Memorial Hospital.

This proposed clinic is the central facility for the five satellite clinics serving a three county area, all of which are a part of the OPC Mental Health Program.

There will be approximately 55 full-time-equivalent employees working in the proposed facility, and an average weekday total population of 100 persons, including staff, occupying the buildings at any one time, (i.e. full-time-equivalent persons).

No structural or major exterior modifications to the original buildings are planned. Aside from repair, renovation and restoration of the exterior, the largest part of the work will be concerned with modification of interior partitions, cleaning and upgrading of existing finishes and the installation of new heating and air-conditioning, furniture, equipment, etc.

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN:

Substantial material evidence is presented herein (and will be presented at the Public Hearing) to support the four findings which must be made by the Board of Aldermen in order to grant a special use permit, as explained in Section 4 of the Chapel Hill Zoning Ordinance. These four required findings are: 1) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted, 2) that the use meets all required conditions and specifications, 3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, 4) that the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

FINDING ONE: THE USE WILL NOT ENDANGER PUBLIC HEALTH OR SAFETY

It is hard to imagine how the remodeling of these two buildings of the existing Northside School for use as an out-patient health clinic facility would endanger public health or safety! One need only to consider their current abandoned condition which has encouraged trespassing, vandalism and illegal occupancy by indigents or others. Sanitary conditions within the buildings, which are accessible to anyone, including children, are an ever present hazard, and in addition there is the constant danger of injury from broken glass and metal. In view of the elimination of these highly undesirable existing conditions there seems to be no question that there will be a substantial benefit to the neighborhood and the community at large by the proposed renovating and restoration to active use.

The traffic volume generated by this use is unlikely to exceed that of the Northside School when it was in operation. In addition, a program of improvements has substantially upgraded the street network since then. This included the widening and paving of McMasters Street and the addition of sidewalks on the west side of Church Street.

FINDING TWO: THE USE, AS PROPOSED, MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS

The proposed clinic meets the requirements of Section 4 of the Chapel Hill Zoning Ordinance which defines the regulations for Special Use Permits for Quasi-Public Buildings for Institutional Organizations of an Educational and/or Non-Profit character.

The applicant has prepared a list of owners of all properties within five hundred feet of the property for which the Special Use Permit has been requested, and has provided the Building Inspector with two copies of the list. Copies of the Legal Notice for the Public Hearing have been mailed in stamped, addressed envelopes, as prescribed in the ordinance. Other supporting material (the area sketch map, site map and building elevations) showing the required neighborhood ownership, land use, zoning, etc. and the proposed facility with its circulation, parking, loading, natural elements and preliminary elevations all accompany this Statement of Justification.

Since development is entirely within an R-6 zone, such uses are permitted under special use regulations. The total area of the property is approximately 402,059 square feet, substantially exceeding the required lot size for all the present existing buildings including the Multi-Purpose Center.

All utilities are already connected to the future OPC buildings as well as to the adjoining Multi-Purpose Center, so that no additional new connections to the city water and sanitary sewer systems will be required. The net effect on the sewer load at the treatment plant will be negligible because all of the functions which are scheduled to take place in the renovated school buildings are already taking place elsewhere in Chapel Hill.

Since no major external construction will take place during the initial renovation and alteration of the buildings, the problem of major erosion control will not exist. The area is not within the Chapel Hill Flood Plain district.

Since the property is ample in size, on-site parking can be accommodated without difficulty. Principal street access and frontage are along McMasters Street although the site also has an access road from Caldwell Street Extension (formerly N. School Lane) which connects to Church Street. This provides the only present access to the existing parking lot.

FINDING THREE: THE USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY OR IS A PUBLIC NECESSITY

Since the buildings which the proposed facility will occupy are currently abandoned and in disrepair, it is only reasonable to assume that the proposed development will enhance the value of the adjoining properties, rather than depreciate them. It may, in fact, act as a stimulus to the upgrading of the entire Northside neighborhood.

Furthermore, it can be argued plausibly that a public mental health facility such as this is also a public necessity. The Chapel Hill Clinic is one of five in a three county area and is, in addition, an implementation of the North Carolina Mental Health Plan substantially supported by funding under the U. S. Community Mental Health Centers Act of 1963 as well as by State and local funds.

FINDING FOUR: THAT THE LOCATION AND CHARACTER OF THE USE IF DEVELOPED ACCORDING TO THE PLANS AS SUBMITTED AND APPROVED WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL AND ITS ENVIRONS

For a Mental Health Clinic, which is one of five such clinics in a three county area, this location is quite favorable since it is only five blocks from Chapel Hill's Central Business district. Furthermore, because the Chapel Hill-Carrboro Multi-Purpose Center is already located on the same property, the addition of this facility will strengthen a developing service center for the community. Because the site is ample and because it occupies the high ground in its immediate neighborhood, it has an important quality of identity with the community. With the elimination of the unsafe and derelict character of the at present abandoned buildings, the site would lend itself to further development as a center for community and human services.

The proposed development is not within the Chapel Hill Flood Plain, and does not conflict with the Chapel Hill Thoroughfare Plan or the Greenway Plan in any way. The adequate off-street parking accommodations will mean no cars will need to be parked on city streets. This is in contrast to the situation at present, with the various scattered facilities in the Chapel Hill downtown area.

In view of the foregoing considerations we believe that the proposed OPC Mental Health Facility satisfies the four criteria necessary to qualify for a Special Use Permit in this zoning district on this property. This request is therefore respectfully submitted.

Sam Gattis
Manager, Orange County
Hillsborough, N. C. 27275

James M. Webb
Architect
201 E. Rosemary St
Chapel Hill, N. C. 27514

Dated: October 8, 1976

Project Description: A request by Orange County for a special use permit to renovate and use the three existing structures located on the previous Northside School property for use as the Orange-Person-Chatham Mental Health Center and similar quasi-public uses. Such property is identified as Chapel Hill Township Tax Map 84, Block J, Lot 3. The 9.23 acre site is zoned R-6. A total of 24,672 gross square feet of floor area is contained within the three existing structures. One structure currently provides space for the Multi-Purpose Center. The programs included within the center are:

1. Jocca Head Start
2. A Day Care Center
3. SHAC Medical Clinic
4. Legal Aid
5. Clothing Cooperative
6. Elderly Nutrition Program
7. Office Space

The Orange-Person-Chatham Mental Health Clinic will occupy the remaining two structures and will include:

1. A custodial day care center
2. A developmental (training) day care center
3. Day care consultants' offices
4. Counseling, therapy, and meeting rooms
5. A walk-in clinic
6. Business offices for the entire Orange-Person-Chatham Mental Health Center
7. A therapeutic demonstration kitchen.

Location: The property is located at the western end of Caldwell Street Extension and is surrounded by residential uses and zoning districts on all sides. This includes R-4A and R-6 zoning to the north, south, and east, and R-4 and R-6 zoning to the west.

Public Utilities and Services: Water and sanitary sewer are currently available to the property. The site is located within the Chapel Hill corporate limits and all public services are available to it. The maximum waste water discharge for the three structures is estimated at 5,000 gallons per day. The expected discharge is estimated at between 2,000 to 3,000 gallons per day.

Flood Plain: The property is not located within the Chapel Hill Flood Plain.

Access and Parking: Access to the property is currently by Caldwell Street and McMasters Street. Caldwell has a right-of-way width of 25 feet and a paved cross-section of 21 feet. McMasters Street has a right-of-way width of 30 feet and a paved cross-section of 26 feet. Cotton Street abuts the property but is not currently used for access. Cotton Street has a right-of-way width of approximately 20 feet and a paved cross-section of 18 feet. Church Street will play an important role in providing access to the site. This street has a 35 foot wide right-of-way and a paved cross-section of 24 feet.

MOV 22

A minimum 83 off-street parking spaces are required to serve the three structures included in the application for special use permit.

The only paved sidewalk in the area is along the west side of Church Street.

NAME OF PROJECT Orange-Person-Chatham Mental Health Clinic, Chapel Hill, N. C.
 TYPE OF SPECIAL USE REQUEST Quasi-Public Building for Institutional Organiza-
 tions of an Educational and/or Non-Profit Character
 LOCATION (STREET ADDRESS) Caldwell Street, Chapel Hill, N. C. 27514
 TAX MAP, BLOCK, AND LOT REFERENCE Map 84, Block J, Lot 3
 NAME AND ADDRESS OF APPLICANT O.P.C. Mental Health Center, 204 E. Rosemary St.
 Chapel Hill, N. C. 27514

TOTAL AREA OF PROPERTY 9.23 acres in entire school property
 TOTAL AREA OF THIS SECTION OR PHASE 9.23 acres and 24,672 square feet of
 gross floor area.

TOTAL AREA OF RECREATION AREA OR OPEN SPACE N/A

TOTAL AREA WITHIN FLOOD PLAIN None

ZONING DISTRICT(S) R-6

REQUIRED MINIMUM LOT SIZE 12,000 square feet

REQUIRED YARDS:	PROPOSED YARDS:
FRONT <u>35'</u>	FRONT <u>Existing approximately 76'</u>
REAR <u>25'</u>	REAR <u>Existing approximately 260'</u>
SIDES <u>8'</u>	SIDES <u>Existing approximately 170'</u>

MAXIMUM BUILDING HEIGHT 35' and 2½ stories

PROPOSED BUILDING HEIGHT Existing 26'

REQUIRED NUMBER OF PARKING SPACES 83 spaces (1 space/300 gross square feet)

PROPOSED NUMBER OF PARKING SPACES 83

UNIFIED HOUSING:
 NUMBER OF UNITS PERMITTED N/A
 NUMBER OF UNITS PROPOSED N/A

UNIFIED BUSINESS:
 NUMBER OF BUILDINGS N/A
 TOTAL FLOOR AREA N/A

Staff Clients

B. Developmentally Disabled Children

1. Orange County Day Care Center

- (a) Client Population: Children, 2 1/2 to 16 years old, mentally retarded and/or handicapped
- (b) Time At Clinic: 5 hours, 5 days per week
- (c) Treatment Approach: Emphasis is upon the development of social skills with a wide variety of activities including arts and crafts, recreation, physical education, etc.
- (d) Number of clients served: 25
- (e) Staff: 9 part and full-time

9 25

2. Parent and Child Training

- (a) Client Population: Children, birth to 3, and their parents
- (b) Time At Clinic: None
- (c) Treatment Approach: Home visitation, with instruction in special education, parent effectiveness, health, etc.
- (d) Number of clients served: 30 families
- (e) Staff: 4 part and full-time

4 0

29 51

TOTALS - CHILD

II Adult Mentally Ill and Alcoholic: (18-65 years old)

A. Chapel Hill Outpatient Clinic

- 1. Client Population: adults, 18-65 years old
- 2. Time At Clinic: Clinic hours are from 8:30 - 5:00, 5 days per week
2 evening clinics per week
- 3. Treatment Approach: Crisis intervention, short and long term, individual, group and family therapy
- 4. Number of clients: 35 clients per day, 700 clients per month
- 5. Staff: 30 full and part-time, 15 students

45 35

B. Day Care Center For Adults and Elderly Adults

- 1. Client Population: Adults, all ages
- 2. Time At Clinic: 9:00 - 1:00, 5 days per week
- 3. Treatment Approach: Services aimed at decreasing the need for inpatient services; range of services between inpatient and out-patient treatment
- 4. Number of clients: 16 clients per day
- 5. Staff: 3 part and full-time

3 16

48 51

TOTALS - ADULT

III. Area Office of the Orange-Person-Chatham Mental Health Center

- A. Time At Clinic: 8:00 to 5:00, 5 days per week
- B. Purpose: To administer the tri-county area program
- C. Staff: 14

14

91 102

GRAND TOTALS

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

Request by Trigon Associates for a Zoning Map Amendment on Estes Drive - Public Hearing

Mr. Jennings stated that Trigon Associates had requested a Zoning Map Amendment to rezone 3.91 acres of land located on Estes Drive and Conner Drive. The property, identified as a Tax Map 47, Block A, Lot 67, is to be reclassified from R-3 to Regional Commercial. The north of the property is suburban commercial zoning. There is one house on the property presently which appears to be inhabited. The site is elevated with respect to the Chapel Hill Professional Building.

Mr. Anderson, representing the owner, stated the tract was immediately north of a tract zoned regional commercial. Adjacent to the property are basically commercial uses. The purpose of the rezoning is to expand the Chapel Hill Professional Village.

Mr. Anderson presented a petition signed by some of the adjacent property owners supporting the rezoning of the property. Mr. Giles asked if the area to the north was a conforming use. Mr. Jennings replied it was a non-conforming use.

Alderman Smith stated that when the adjacent property had been rezoned it was the intent of the Board to leave this property zoned R-3 because it was close to the shopping center and could be used for apartments. Alderman Marshall questioned whether a good road would be built for access to the interior property. Alderman Howes asked if any of the property owners had spoken against the rezoning to the Planning Department. Mr. Jennings had not had objections. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE PUBLIC HEARING WAS ADJOURNED.

Regular Meeting of the Board of Aldermen

Mayor Wallace called the regular meeting of the Board of Aldermen to order. Alderman Smith announced that he had accepted on behalf of the Town of Chapel Hill a certificate of recognition presented by the Black Citizens Committee of the Bicentennial Committee in recognition of the service given by the Town to the Committee. He presented the certificate to the Mayor.

Petitions and Requests

Mr. Jenne stated he had a report to the Board on the internal problems in the Transportation Department. He requested this be placed at the end of the agenda.

Alderman Cohen asked for a discussion of the procedure for appointing members to the Historic Preservation Society to be put on the next agenda.

Minutes

On motion by Alderman Smith, seconded by Alderman Gardner, the minutes of November 8, 1976, were approved as corrected.

Resolution Assessing Costs for the Wesley Drive Sanitary Sewer

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT THIS MATTER BE POSTPONED UNTIL DECEMBER 13.

Resolution Granting a Special Use Permit for the Delta Delta Delta Sorority

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

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE DELTA DELTA DELTA SORORITY, WITH STIPULATIONS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Delta Delta Delta Sorority special use, if developed in accordance with the plans submitted and the stipulations below stated:

- (1) will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
- (2) meets all required conditions and specifications,
- (3) will not substantially injure the value of adjoining or abutting property, and
- (4) that the location and character of the use if developed according to the plan as submitted and the stipulations below stated and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and Its Environs.

In order to make the above four findings, the Board stipulates that the plan of development submitted shall be modified by the following stipulations:

- 1. That the garage located on the northern property line be removed prior to issuance of a certificate of occupancy for the proposed addition.
- 2. That parking spaces 18 through 23 and the proposed loading yard be eliminated so as to retain the existing landscaping except that a small back-up area be provided next to parking space 26 as designated on the site plan revised by the Planning Department.
- 3. That a three (3) foot high brick wall or a four (4) foot high wire fence be constructed along the parking lot's entire frontage with East Rosemary Street except for five (5) feet on each side of the driveway entrance, and along 70 feet of the parking lot's frontage with Hillsborough Street as measured from the northwestern property corner. The height of such wall or fence shall be measured from the level of the parking lot. Planting shall be provided between the wall or fence and the street. Bumper-stops shall be provided to prevent automobiles from approaching the surface of the wall or fence. The design of the wall or fence and a detailed landscape plan for the parking lot area shall be submitted to and approved by the Appearance Commission prior to issuance of a building permit. Such plan shall show provisions for retaining existing trees and other significant plantings on the site.
- 4. That a concrete pad be constructed for the bulk trash container and that a solid wall, fence or evergreen hedge, a minimum of six (6) feet high, be provided to screen the bulk trash container. Such screening shall be shown on the landscape plan to be approved by the Appearance Commission
- 5. That the Hillsborough Street public right-of-way be increased on the east side to provide two six (6) foot wide and five (5) foot deep bus stop loading and unloading zones. The location of such zones shall be in the existing cleared areas located approximately 27 feet and 50 feet south of the northwestern property owner.
- 6. That construction begin by December 31, 1978 and be completed by December 31, 1980.

BE IT FURTHER RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for the Delta Delta Delta Sorority, according to the plans as submitted and the stipulations stated above, is hereby granted.

This the 23rd day of November, 1976.

Alderman Smith stated he saw nothing in the resolution to indicate the thoroughfare plan had been taken into consideration. He hoped in the future that the implications of the plan would be considered when deciding whether they could make the safety finding with regard to traffic. Alderman Silver thought the evidence was not enough to show clearly there was no traffic problem, and because he was not convinced there was no safety problem, he could not vote for the resolution. Alderman Howes said the issue of permitting sororities and fraternities east of Hillsborough Street had come before another Board, but had not been acted on because of the absence of a comprehensive plan. If action was taken on this property, it would preclude consideration of the plan with regard to the property. However, he did not propose making consideration of the special use permit contingent on the comprehensive plan although it might be desirable. His second concern was traffic. The same number of cars would be used for the sorority as were now at the property. Some delivery vehicles would be added to the area, but this would be at off peak hours. He also believed that the bulk of the traffic would be at off-peak hours. In the question of its relationship to the historic district, Alderman Howes stated there was nothing in the ordinance to preclude sororities; in fact, the house had once been a sorority. Alderman Vickery said he was convinced that the parking lot would be reduced with the sorority. He did not believe this would increase traffic, but would increase pedestrian traffic. Alderman Epting said his vote in favor of the resolution should not be construed as a lack of sympathy for the historic preservation society. He felt the sorority would be conducive, not disruptive to the neighborhood. It would not subtract from the historic character of the neighborhood. Alderman Gardner stated he did not find a brick wall anywhere in this neighborhood, and asked why the Planning Board had recommended a brick wall. Mr. Jennings explained that the idea of a backstop was to give the shrubbery time to grow. The staff had observed people walking across the corner and felt a barrier would be needed to prevent this. They had given the applicant the option of a fence or brick wall. Alderman Gardner suggested a rock wall or temporary screening would be more in character with the neighborhood. Alderman Howes asked why there were two abstentions on the voting of the Planning Board. Mr. Jennings explained the vote as he understood them. Alderman Smith questioned the rationale for the rights-of-way for loading and unloading zones for the bus. Mr. Jennings said the grade was so different, it was difficult to get out of the bus safely.

Mr. Giles stated the sorority had not had time to discuss the stipulations with the Planning Board. They would agree to put up a temporary fence, would reduce the parking spaces, but did not feel it was necessary and it would reduce their flexibility. He did not see the need for the bus stops, but would agree to a dedication of right-of-way should the space become necessary in the future. Alderman Cohen stated this area was becoming a stable single-family neighborhood, and the sorority would not be in conformity with the character of the neighborhood. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN VICKERY, TO AMEND THE RESOLUTION BY MODIFYING STIPULATION THREE BY STRIKING THE WORDS "THREE (3) FOOT HIGH BRICK WALL OR A" AND INSERTING "TEMPORARY" IN THEIR PLACE. Mrs. Baum asked the Board to consider the increase in pedestrian traffic, that an addition to the building would change the character of the neighborhood, and the use would decrease property values. Alderman Epting and Howes agreed to the amendment to the resolution. THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF FIVE TO THREE WITH ALDERMEN EPTING, HOWES, GARDNER, MARSHALL AND VICKERY SUPPORTING AND ALDERMEN COHEN, SMITH AND SILVER OPPOSING.

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE DELTA DELTA DELTA SORORITY, WITH STIPULATIONS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Delta Delta Delta Sorority special use, if developed in accordance with the plans submitted and the stipulations below stated:

- (1) will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
- (2) meets all required conditions and specifications,

- (3) will not substantially injure the value of adjoining or abutting property, and
- (4) that the location and character of the use if developed according to the plan as submitted and the stipulations below stated and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and Its Environs.

In order to make the above four findings, the Board stipulates that the plan of development submitted shall be modified by the following stipulations:

1. That the garage located on the northern property line be removed prior to issuance of a certificate of occupancy for the proposed addition.
2. That parking spaces 18 through 23 and the proposed loading yard be eliminated so as to retain the existing landscaping except that a small back-up area be provided next to parking space 26 as designated on the site plan revised by the Planning Department.
3. That a temporary four (4) foot high wire fence be constructed along the parking lot's entire frontage with East Rosemary Street except for five (5) feet on each side of the driveway entrance, and along 70 feet of the parking lot's frontage with Hillsborough Street as measured from the northwestern property corner. The height of such wall or fence shall be measured from the level of the parking lot. Planting shall be provided between the wall or fence and the street. Bumper-stops shall be provided to prevent automobiles from approaching the surface of the wall or fence. The design of the wall or fence and a detailed landscape plan for the parking lot area shall be submitted to and approved by the Appearance Commission prior to issuance of a building permit. Such plan shall show provisions for retaining existing trees and other significant plantings on the site.
4. That a concrete pad be constructed for the bulk trash container and that a solid wall, fence or evergreen hedge, a minimum of six (6) feet high, be provided to screen the bulk trash container. Such screening shall be shown on the landscape plan to be approved by the Appearance Commission.
5. That the Hillsborough Street public right-of-way be increased on the east side to provide two six (6) foot wide and five (5) foot deep bus stop loading and unloading zones. The location of such zones shall be in the existing cleared areas located approximately 27 feet and 50 feet south of the northwestern property owner.
6. That construction begin by December 31, 1978 and be completed by December 31, 1980.

BE IT FURTHER RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for the Delta Delta Delta Sorority, according to the plans as submitted and the stipulations stated above, is hereby granted.

This the 23rd day of November, 1976.

Resolution Extending the Review Period for the Laketree Development Request

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

A RESOLUTION EXTENDING THE REVIEW PERIOD FOR THE LAKETREE DEVELOPMENT REQUEST.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the request by the Chapel Hill Planning Board for the review period for the Laketree Zoning Map Amendment and Special Use Requests, to be extended to the Planning Board's December 2, 1976 meeting is hereby granted.

This the 23rd day of November, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Application for a Transportation Planning Grant

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

A RESOLUTION AUTHORIZING APPLICATION FOR A TRANSPORTATION PLANNING GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager of the Town of Chapel Hill, Kurt J. Jenne, is hereby authorized to submit grant applications for \$8,000 in Section 9 monies from the Urban Mass Transportation Administration and \$1,000 from North Carolina Department of Transportation monies to initiate transit and related transportation planning activities in Chapel Hill, said grants to be matched locally with a portion of the salary of a full-time Transportation Planner; and

BE IT FURTHER RESOLVED that said Kurt J. Jenne, Town Manager, is hereby authorized to submit such assurances and additional documentation as may be required by the granting agencies.

This the 22nd day of November, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving Educational Leave for Herbert Gurganus

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

A RESOLUTION APPROVING EDUCATIONAL LEAVE FOR HERBERT GURGANUS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves educational leave under the terms of Section 14-88 of the Code of Ordinances, Town of Chapel Hill, for Herbert E. Gurganus, Superintendent of Operations, Transportation Department, to attend a Transportation Management Seminar at Northeastern University from November 29, 1976, through December 10, 1976, and from May 16, 1977, through May 27, 1977.

This the 23rd day of November, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for one Chassis and Cab with Spreader Body

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE CHASSIS AND CAB WITH SPREADER BODY

WHEREAS the Town of Chapel Hill has solicited formal bids on one chassis and cab with spreader body and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	
Griffin Implement and Milling Co., Monroe, North Carolina	Cab & Chassis	\$11,950.00
	Body & Installation	\$ 8,131.00
Miller Truck Sales & Service Inc., Durham, North Carolina	Cab & Chassis	\$11,582.12
	Body & Installation	-
Raleigh Tractor and Truck Co., Raleigh, North Carolina	Cab & Chassis	\$11,975.99
	Body & Installation	-

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the adjusted bid of Griffin Implement and

Milling Company for the amount of \$19,901.00 and that it be awarded the contract.

This the 23nd day of November, 1976.

Alderman Smith asked if the contract should be rebid because there was only one bid which fit specifications. Mr. Jenne replied that it would not help to rebid the item. The staff had checked with other towns and found the bid of Griffin Implement and Milling Company comparable to other prices. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for one Surveyor's Vehicle

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE SURVEYOR'S VEHICLE

WHEREAS the Town of Chapel Hill has solicited formal bids on one surveyor's vehicle and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Raleigh Tractor and Truck Co. Raleigh, N.C.	\$4,526.00
Yates Motor Company Chapel Hill, N.C.	\$5,000.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Yates Motor Company for the amount of \$5,000 and that it be awarded the contract.

This the 23rd day of November, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Orange County Council on Aging Executive Board - Appointment

The nominations for the position submitted by the Chapel Hill Advisory Committee on Aging were David Brunn and Wilson McKerrow. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL, TO CLOSE THE NOMINATIONS. Mr. McKerrow received 7 votes and Mr. Brunn 1 vote. Mr. McKerrow was appointed to the position on the Orange County Council on Aging.

Transportation Board - Vacancy

The Board was notified of three vacancies on the Transportation Board created by the term expirations of Eva Cladwell, Parl Arne, and Edward Vickery, whose terms will expire December 31, 1976. The Transportation Board has been notified on these vacancies and recommendations are forthcoming.

Community Appearance Commission - Vacancy

The Board was notified of three vacancies on the Community Appearance Commission created by the term expirations of Eunice Brock, Robert Bryan and James Webb, whose terms will expire December 31, 1976. The Appearance Commission has been notified of these vacancies and recommendations are forthcoming.

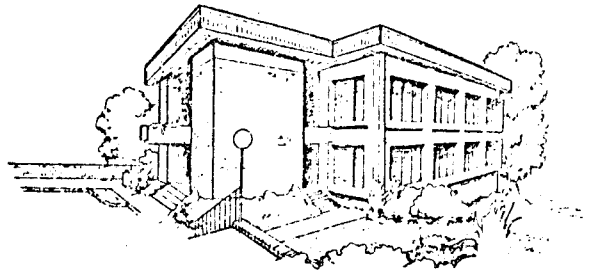
Recreation Commission - Vacancy

The Board was notified of three vacancies on the Recreation Commission created by the term expirations of George Holcomb, Cameron Hargrave and Scott Herman-Giddens, whose terms will expire December 31, 1976. The Recreation Commission has been notified of these vacancies and recommendations are forthcoming.

Mayor Wallace reported that he had appointed an intergovernmental task force to work with the school board on the joint recreational facilities. The members are Marvin Silver, Chairman, Marilyn Boulton, Vice Chairman, Joe Nassif, Dick Hiskey, Edwin Caldwell, Jr., Thomas Gardner, Linda Mews, Anne Barnes, Blain Liner and Jane Stein.

TOWN OF CHAPEL HILL

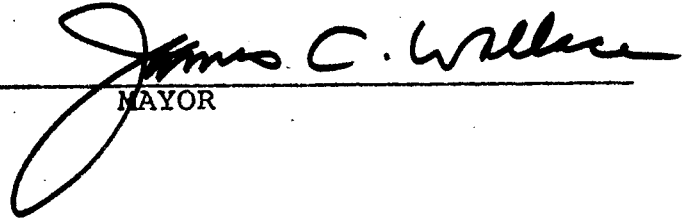
306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

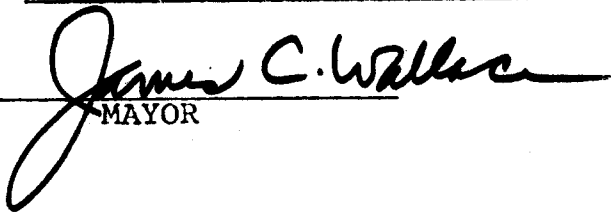
TO: Gerald Cohen
Robert Epting
Thomas Gardner
Jonathan Howes
Shirley Marshall
Marvin Silver
R. D. Smith
Edward Vickery

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Conference Room, at 7:30 on December 6, 1976, to meet in executive session to discuss personnel matters.


MAYOR

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the Municipal Building Conference Room, December 6, 1976, at 7:30 P.M.


MAYOR

