

HARDER PROFESSIONAL OFFICE DEVELOPMENT

SPECIAL USE PERMIT

Background Report
January 31, 1977

Project Description: A request by Jon S. Harder for a Unified Business Special Use Permit to construct a two building office development on the northwest corner of the intersection of U.S. 15-501 (Chapel Hill-Durham Boulevard) and Couch Street, on property identified as Chapel Hill Township Tax Map 27A, Block A, Lots 2 and 3. Plans for the office building show a total of 16,000 square feet of floor area. The 1.47 acre site is predominately zoned R-20 except for the portion of the property furthest from U.S. 15-501 which is zoned agriculture.

Location Characteristics: Abutting zoning districts include agriculture to the north, regional commercial to the east, regional commercial, suburban commercial, and R-20 to the south, and agriculture and R-20 to the west. Surrounding uses include residential to the north, commercial to the east, commercial and cemetery to the south and residential to the west. There are currently two residential structures and one trailer (unoccupied) on the property.

Public Utilities and Services: The property abuts, but is not within, the Chapel Hill Corporate limits. Water, sewer, and electric services are available to the property. The property is within the New Hope Rural fire district. Garbage collection will be by contract. The estimated maximum wastewater discharge will be 3200 gallons per day. The discharge from the two existing single family dwellings is calculated at 800 gallons per day.

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

Access and Parking: Access to the proposed office development is by U.S. 15-501 (Chapel Hill-Durham Boulevard) and Couch Street. Both streets have been designated as major thoroughfares on the adopted Thoroughfare Plan. U.S. 15-501 had a 1974 average daily traffic count of 23,000 vehicles per day. Sufficient area exists to accommodate the required 82 off-street parking spaces. The applicant proposes the provision of 57 off-street parking spaces under Section 4-C-21d of the Zoning Ordinance. This proposal permits the inclusion of a landscaped buffer between U.S. 15-501 and the proposed office development. Couch Street is currently an unpaved road with a 35 foot wide public right-of-way. U.S. 15-501 is a four lane median divided highway with a 250 foot wide public right-of-way. An unpaved frontage road currently extends between Mount Moriah Church Road and Couch Street. The applicant proposes the construction of a deceleration lane for west-bound traffic making right turns, and a queuing lane for east-bound traffic making left turns.

The 1.47 acre tract is zoned R-20 for the front portion and agriculture for the rest. The surrounding property uses are residential on the west side of Couch Street, residential on the east, and predominantly commercial across the Durham-Chapel Hill Boulevard. The applicant is requesting a 30% reduction in the parking required to 57 spaces. This space would be used in landscaping and providing an additional buffer between 15-501 and the buildings.

Mr. Cogswell distributed pictures of surrounding property. He submitted the following statement of justification for the record.

STATEMENT OF JUSTIFICATION PREPARED BY THE APPLICANT FOR THE
HARDER PROFESSIONAL OFFICE DEVELOPMENT
JANUARY 31, 1977

The proposed project is a 16,000 gross square foot professional office building on the Chapel Hill-Durham Boulevard at its intersection with Couch Street. The site is currently zoned R-20 and Agricultural. It is located diagonally across from the new Hardee's Restaurant, directly west of the Eastowne Office Park, and approximately 1,800 feet east of the Legion Road Office Park. The proposed structure itself will be a

two-story, wood frame building constructed around a landscaped courtyard and located at the rear of the site. Provision has been made for the construction of 82 paved off-street parking spaces, but 22 of these are proposed for deletion in compliance with the recent Unified Business Development Amendment so that a landscaped buffer can be created between the project and the Chapel Hill-Durham Boulevard. Couch Street is currently a 35 foot right-of-way, and the applicant proposes to reserve an additional 27.5 feet to be dedicated to the Town. Couch Street currently is not paved, and the applicant proposes to pave that portion of Couch Street adjoining the property to a width of 26 feet. All Town standards will govern construction of road. Two deceleration lanes will be constructed to increase the turn capacity of the intersection. Natural building materials and colors will be used throughout the project, and the project site will be extensively landscaped.

Statement of Justification by the Applicant

1. THE USE WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED AND DEVELOPED ACCORDING TO THE PLAN AS SUBMITTED.
 - a) Traffic Conditions: The proposed project will create a small incremental traffic demand on a high-capacity highway, a highway which maintains stable traffic flow conditions even during peak hours. The maximum incremental traffic demand created by the project will not exceed 200 vehicles per hour. This is 1.25% of the theoretical capacity of the highway and less than 2.5% of the road's service volume. The project will be located on, and accessed by an existing intersection, and a peak-hour turning demand volume created by the project will not exceed the designed turning capacity of the intersection. The applicant, nevertheless, proposes to construct two auxiliary lanes: a deceleration lane for west-bound traffic making right turns, and a queuing lane for east-bound traffic making left turns. These improvements will augment the turn capacity to a level equalling or exceeding that of nearby intersections on the same highway which carry far higher turn demands.
 - b) Public services and utilities: Project is located in the New Hope Fire District. The project will connect to the Chapel Hill sewer and water systems a marginal load of 54 fixture units. (This is equivalent to the load of 3 single family houses). The building will incorporate many water and energy conserving features and will contract private garbage disposal.
 - c) Soil Erosion and Sedimentation: During construction applicable standards will be strictly adhered to. The entire site and frontage and adjacent rights-of-way will be seeded and landscaped so that no waterborne material will leave the vicinity of the site.
 - d) Flooding and Flood Protection: The project site is not near any flood plain or floodway.
2. THE USE MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS.
3. THE USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY.
 - a) Relationship of the proposed use and the character of development to surrounding areas: The proposed project will create a small scale, self-contained, and unobtrusive activity center adjacent to a major highway intersection. Abutting the project on two sides away from the intersection is low-density residential use, but the project is so located that the external and potentially nuisance-creating traffic generated by the project will be kept away from this use. The proposed building will be situated in the center of the lot and will be extensively shielded and screened from the neighboring residential use and from the highway. Opposite the project, across 15-501, is a variety of unrelated commercial uses which can only be enhanced by an attractive, well-landscaped professional office building.

b) Conformance with the zoning map and development plan of Chapel Hill and its environs: The project site is zoned R-20 and Agricultural. A professional office building is a permitted special use in these zones, and would be more appropriate to the highway location than low-density residential uses. The project is situated on the fourth corner of an intersection, at which the other three corners are currently zoned Regional Commercial. The proposed use will be consistent with the surrounding zoning pattern and with established zoning principles. The particular use proposed will be more compatible with surrounding uses than other regional commercial uses might be, and more in keeping with a desirable pattern of development.

4. LOCATION AND CHARACTER OF THE USE 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 FOR THE TOWN OF CHAPEL HILL AND ITS ENVIRONS.

a) Conditions: The location of the project proposed is a prime site for many kinds of commercial development, and the pressure for this development is steadily increasing. The particular project and development scheme proposed is consistent with previously approved plans for other projects on the Durham-Chapel Hill Boulevard, and will preclude development on the site of a less desirable nature. The proposed structure and site plan have been carefully designed to be unobtrusive and to blend in with the surrounding environmental uses. A major part of the required off-street parking will be placed and hidden on the interior of the site. Natural materials and colors will be used throughout the building and site improvements, and a landscaped buffer will be created between the project and the boulevard. This will form a continuation of the buffer that already exists in many locations along the Boulevard.

Mr. Cogswell said what was proposed was a modest, small-scale professional office building, to be located in a convenient area for those using the building. The building was so located that it would not constitute an intrusion to other uses in the area, most of which are commercial. Alderman Epting asked if the north side of the boulevard was not primarily residential. Mr. Cogswell answered there was a repair garage nearby, and there was a tire store, a discotheque and an adult book store just down the road. Alderman Epting argued that these were further away and the abutting properties to the west were residential. Alderman Cohen stated many traffic problems were caused by access to 15-501 at the service road. He asked how the turning lanes by the applicant would affect these problems. Mr. Cogswell felt the lanes should expedite the traffic because it would not then back-up on the highway. Alderman Cohen then asked if there were any plans for completing the service road. Mr. Cogswell did not know. Alderman Smith asked if the applicant had discussed his plans for the intersection with the State highway department. Mr. Cogswell answered yes. Alderman Smith then asked if the house presently on the property would be moved or torn down. Mr. Cogswell responded that it would be moved if possible.

Ms. Parker said the office buildings represented a threat to the existing residences between Couch Street and the sub-station. She believed Chapel Hill needed more of these types of homes. If the proposed location for the building becomes commercial, she was concerned that the whole strip along 15-501 would become commercial. She pointed out there was no data to accompany the traffic statement given by the applicant. She asked why if the traffic generation was not large, the developer was putting in turning lanes. She wanted the design capacity of 15-501 and the peak hour turning capacity. She suggested the vacant lot across Couch Road was a better location for the building. She concluded by saying that under the current land use policy, strip commercial development was considered undesirable.

Mr. Cogswell responded that any threat to the existing homes was not from his building, but from the noise of 15-501 which will be a six lane highway. This area was no longer residential in nature. Alderman Marshall pointed out that there was a large area zoned agriculture, not just a strip along the highway. Mr. Liner of the Planning Board stated the Planning Board would not have any facts upon which to base its recommendation, just opinion. He asked if the developer could supply more information on the projected traffic generation of the area before the matter was considered by the Planning Board. Alderman Gardner stated the pressure for commercial development in this area

would increase over the next five to ten years. He suggested an office complex in this location would be more desirable than many other projects. Mr. Cogswell added that over the next decade non-residential development would probably occur in this area, and the buffer of heavy planting for this complex would render this complex unimportant. Alderman Marshall said the land use plan was to help resist pressure for development. Mr. Drake suggested that as Mr. Limer wanted more data, and Mr. Cogswell had indicated that he would provide this data, the Board might desire to adjourn the public hearing to a date certain so that the information might be entered in the record. ALDERMAN COHEN MOVED TO ADJOURN THE PUBLIC HEARING TO FEBRUARY 14, AT 7:30 P.M. ALDERMAN SMITH SECONDED THE MOTION. THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH ALDERMEN COHEN, EPTING, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN GARDNER OPPOSING.

Request by F.H.R. and H and H Associates to Amend the Zoning Map for Approximately 17½ Acres of Land - Public Hearing

Mr. Jennings pointed out the location of the subject property on the map. A portion of this property was originally before the Board with a request for a unified business special use permit. The request was now for a change in zoning from R-10 and R-20 to regional commercial.

Mr. Robert Page stated that the applicant had applied for a unified business special use permit for 3.5 acres of the property. The Board had denied the permit because there was no access to a major thoroughfare. They had returned showing an access road to 15-501. The traffic engineer at that time had suggested the access road be signalized, and the Board had stipulated that the access road should be completed before the issuance of a certificate of occupancy for the second building. The Board has suggested this permit was a type of spot zoning. The applicants had felt with the building of the collector road for access, the area would open for development and they should apply for rezoning. Alderman Marshall asked that the Planning Board consider this request for rezoning in the context of the land use plan, and what this area might be planned as in the future. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Amendment to the Chapel Hill Zoning Ordinance - Public Hearing

Alderman Marshall stated the public hearing was to consider an amendment to the Chapel Hill Zoning Ordinance requiring consideration by the Planning Board and Community Appearance Commission of Zoning Amendments and Special Use Permit Requests prior to a public hearing by the Board of Aldermen. Mr. Jennings explained that there was a legal requirement that only sworn testimony could be used in consideration for a special use permit request. Frequently the citizens do not get mobilized for a project by the time the public hearing is held. And, if citizens do attend the public hearing, that is the first they have heard of a complex project, and cannot respond to it. The Planning Department and the Planning Board had already begun to take steps to notify citizens of upcoming projects, and were also proposing different procedures for special use permits. Mr. Jennings reviewed the different procedures proposed by the Planning Board. Alderman Marshall asked for and received clarification on the procedural order of the public hearings. If the Planning Board had considered the project and made its recommendation at the public hearing, the citizens would have a chance to react to the recommendations, according to Mr. Kaiser.

Mr. Bob Midgett asked if the informal hearings before the Planning Board and Appearance Commission would require all of the witnesses which would be required at the public hearing before the Board of Aldermen. Mr. Denny stated all of the witnesses would not be needed, the first public hearing was to get information before the public. Mr. Midgett stated that he thought an informal hearing would help the developer know what testimony and information he was expected to present before the Board of Aldermen. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION. THE MOTION WAS CARRIED UNANIMOUSLY. The public hearing was adjourned.

Mayor Wallace called the meeting to order.

Petitions and Requests

Alderman Cohen asked if he should submit names for the Personnel Grievance Committee to the Board. Mayor Wallace asked that these names be submitted to the Clerk.

Mr. Denny asked the Board to meet in executive session to discuss property acquisition after the meeting.

Minutes

Upon motion by Alderman Smith, seconded by Alderman Vickery, the minutes of December 20, 1976, were approved. Upon motion by Alderman Vickery, seconded by Alderman Smith, the minutes of the meeting of January 10, 1977, were approved as corrected.

Resolution Approving the Preliminary Sketch for the Lassister-Currie Subdivision

Mr. Jennings explained that the applicant was requesting preliminary plat approval for a seven lot subdivision located at the northern end of Highview Drive and abutting the northern boundary of Colony Woods Subdivision. The property consists of a total of 16.5 acres of land. The applicant has proposed to provide sewer service to lots 1 through 4, but the Public Works Department does not believe sewer could be provided. He has designed the project with a cul-de-sac at the end of Highview Drive, resulting in long pie-shaped lots coming out into the cul-de-sac. The applicant has also proposed that either he be granted an exemption from open space requirements or open space be provided behind an existing open space on Fireside Drive. The cul-de-sac appears to be acceptable because the area is served by an extension of Burlington Boulevard, and roads from University Heights. The cul-de-sac is 230 feet long and the large lots complement the lots in Colony Woods. The staff recommended that open space be provided behind an existing open space on Highview Drive. This would allow active use of the area. The staff's second recommendation is that if the Board does not want the open space on Highview Drive, it would rather grant Mr. Lassister's request for exemption from the open space requirement. This stems from other open space parcels in the area which are difficult to use for active recreation, abutting property owners encroach on them and prohibit children from playing on them, and frequently request the Town to improve the drainage on these properties.

The Planning Board recommended the Board approve the applicant's open space on Fireside Drive.

Mr. Michael Simmons, a resident on Fireide Drive, said the neighbors were in favor of the project as the applicants had proposed it. He added that the children did use the open space on Fireside Drive. Mr. Dan Lawhorn supported both the cul-de-sac and the triangular open space behind Fireside Drive. Alderman Marshall asked Mr. Jennings to explain the difference in the open spaces. Mr. Jennings stated that in approving Colony Woods, the understanding was that more open space would be added to the parcel on Highview Drive. He explained that although this parcel would not lend itself to a baseball field, a basketball goal could be put up and a tot lot on one end. Spaces similar to the triangular space are sometimes closed to the public by abutting property owners, and the town is frequently asked to improve similar properties. Alderman Smith asked why the lots could not be sewerred. Mr. Jennings explained the Public Works Department did not think the topography would allow sewer lines. Alderman Smith asked if the lots in Durham County could hook up to the sewer. Mr. Jennings said it was possible that they could come into Chapel Hill later and hook up, but another easement would be needed.

Mr. Robert Page, representing Mr. Lester, said the property to the north would be cut off by a cul-de-sac. He suggested that a sewer easement be required to the cul-de-sac, so that this property would not be cut off. There was discussion on where the present easements are located. Alderman Vickery stated that the Board should not go against the wishes of the citizens unless there was an overriding reason to do so. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE LASSITER-CURRIE SUBDIVISION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the Lassiter-Currie subdivision subject to the following:

1. That fire hydrants be located and installed as approved by the Town Manager.
2. That a fifty (50) foot wide storm water and sanitary sewer easement be dedicated along the joint lot line of lots 6 and 7. The joint lot line may be the centerline of such easement.

3. That the pavement design for the cul-de-sac be approved by the Town Manager.
4. That the required open space be dedicated the triangular-shaped parcel abutting the existing parcel on Fireside Drive.

This the 31st day of January, 1977.

Alderman Marshall supported the recommendation of the Planning Department for open space on Highview Drive. She said there was very little open space in Colony Woods and Mr. Jennings was correct in his understanding that the Board had agreed to add more open space to the existing parcel when Colony Woods was approved. Alderman Gardner suggested delaying the matter until there was more information on the sewer. Mr. Currie said the applicants would grant easements to the north and west if they became necessary. Alderman Vickery amended his motion to add the following stipulation to the resolution.

"5. In the event utility easements are necessary to serve the abutting property to the north and west, such shall be shown on the final plat."

Alderman Gardner accepted the amendment. ALDERMAN SMITH MOVED TO AMEND THE RESOLUTION BY SUBSTITUTING THE FOLLOWING PARAGRAPH 4.

4. That the required open space be dedicated abutting the existing parcel on Highview Drive. If an access easement abutting the southern boundary of the existing open space parcel and crossing such parcel is desired to serve lots 1 and 2, an equal amount of open space shall be dedicated to the north of such existing open space as compensation for the easement. Detailed plans for the above shall be included on the final plat.

ALDERMAN MARSHALL SECONDED THE MOTION. THE MOTION TO AMEND WAS DEFEATED BY A VOTE OF FIVE TO TWO WITH ALDERMEN SMITH AND MARSHALL SUPPORTING AND ALDERMEN COHEN, EPTING, GARDNER, SILVER AND VICKERY OPPOSING. Alderman Smith questioned whether the Town should accept a parcel of open space that was not accessible or usable for active recreation. THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF FIVE TO TWO WITH ALDERMEN COHEN, EPTING GARDNER, SILVER AND VICKERY SUPPORTING AND ALDERMEN MARSHALL AND SMITH OPPOSING.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE LASSITER-CURRIE SUBDIVISION

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Alderman Vickery requested the Manager to provide alternative resolutions when there is disagreement between the staff and the Planning Board.

Laketree Community

Mr. Jennings stated the Board had been provided with information concerning the Laketree Community. The project poses two major questions; first should the change in the permitted land use patterns be approved, and second, if the change is approved, how can the Town manage the impact of the development on the community facilities and services to insure that development

of the property will not place undue burdens on the community facilities and services, nor would it adversely affect the health and safety of the Town.

Mr. Jennings outlined the major points of the first question. The plan for the 390 acres appears to be consistent with the 1969 land use policy statement which emphasized balanced subcommunities consisting of a wide range of houses and community services and facilities. It emphasized the need for planned commercial development. The Laketree community appears to be consistent with the Pitch policy of providing identifiable and balanced residential areas with a fine-grained mix of housing types and a high degree of pedestrian opportunity for travel. The proposed open space is not only consistent with the Town requirements but excluding the lake, exceeds these requirements. An analysis of this sector, compared with other sectors of development such as Airport Road and Eastowne, shows Laketree to be consistent with other sectors and perhaps less intense development.

He then addressed the second question. If this project is a desirable use for the land, how can the development of the land proceed such that communities and services are not overburdened? How can it be controlled so that the growth does not provide a safety or welfare hazard to the Town? The primary concerns in this area were traffic, sewer and water.

The Town prepared the traffic plan based on recommendations from the consultant hired by the Town. From the south property line to Hunting Ridge Road, 15-501 is to be a 2-lane constant travel road. The current southbound lane will be turned into a median barrier and another lane will be added for southbound traffic. Only three intersections are proposed on 15-501, Dogwood Acres Drive which will be realigned to intersect with Wave Road, Damascus Church Road and Hunting Ridge Road. The consultant recommended that these intersections be signalized but the Town would not have control over signalization. There would be left turn storage lanes and deceleration lanes for southbound traffic at all three intersections. Damascus Church Road, built in compliance with the thoroughfare plan, would be four-lanes for the portion between the office park and shopping center. It would provide major access to the shopping center and office park, neither of which would have direct access to 15-501. The remaining portion of Damascus Church Road would be built to Town thoroughfare standards, a 36-foot cross section with curb and gutter. The planning has also incorporated one design concept because of the concerns of residents on Carlton Drive. Carlton Drive will be connected to Laketree Drive in accordance with thoroughfare standards, but the connection will not be made until Damascus Church Road is connected to Smith Level Road. Sidewalks are proposed for both sides of Damascus Church Road, the east side of Laketree Drive, and one side of Dogwood Acres Drive, as well as pedestrian easements being put throughout the project, giving access to the shopping center, along 15-501, and around the periphery of the project. The staff believes the traffic plan adequate to handle the on-site traffic. The concerns are for the impact of the off-site traffic which cannot be controlled by the developer or the Town. The Planning Board and the staff have recommended that the applicant be allowed to develop that portion of the property which would generate traffic to correspond with the traffic which could be generated should the property be developed with its present zoning. Under this "fairness doctrine", the two subdivisions, Laketree Hills and Laketree Acres, the first structure in the shopping center and the first two structures in the office park could be built. The second structure in the shopping center, the other six structures in the office park and the R-4 and R-6 areas would be developed under special use permits or modifications to special use permits.

The second major concern is sewer. The Planning Board has recommended that the entire project be connected to the Town's sewer system. The applicant proposes to put the first building in the office park, which will be one of the earlier structures, to house the office for the Laketree project, on a temporary septic tank. Consistent with the fairness doctrine of the traffic recommendation, the Planning Board has recommended the applicant be allowed up to $\frac{1}{2}$ the yearly sewage treatment allocation for planning permits per year.

The third major concern is water. University service plants had indicated that they could provide water for the first 22 lots, but would not approve anything else without detailed construction plans.

Mr. Jennings stated there were nine items for consideration of the Board, two unified business special use permits, two subdivision approvals, four zoning map amendments and the staff had recommended approval of the master plan and phasing plan. The master plan and phasing plan can then be guidelines for future development.

The zoning map amendments consist of 97 acres rezoned to R-15, 7.1 of which will be recreation; 134 acres to R-20, 31 acres of which will be the lake; 42 acres to R-6; and 48 acres to R-4. Mr. Kaiser had raised the issue in the Planning Board meeting that once the R-6 and R-4 areas are rezoned, they did not have to be developed in multi-family housing under a special use permit. To counteract this, the applicant agreed to submit to a deed restriction which would insure that this area must be developed under a special use permit.

One of the unified business special use permit requests is for the shopping center, a 12.9 acre tract, to be 103,525 sq. ft. of building space. There will be 557 parking spaces, 50 of which are to be reserved for a park-ride lot. A bus route is to go through the shopping center and will be paved to town standards for busses. The project complies with all conditions and specifications. The applicant presented competent testimony at the public hearing, that the project would not adversely affect adjoining property values. The commercial areas will be buffered from existing residential areas by other residential development. There is harmony and conformance of the plan consistent with land use policy statements.

The 12.8 acre tract for the office park is the second special use request. The first two structures scheduled for Phase I would be the office for the project and a bank. The rest of the buildings would be under modifications to special use requests. The Planning Board has recommended denial of the special use permit based on the feeling that the office park would generate traffic externally. The staff believes the first building would house only those facilities which would be in trailers on the site, and that it would be better to have these in one structure.

The Laketree Hills Subdivision would consist of 88 lots on 86 acres. Access would be off Culbreth Road. The applicant had had preliminary discussions with the school board for an easement across school property, however, they did not want to acquire the right-of-way until the Board had approved the project. If the applicant was not able to get an easement from the school board, he would have to get other access. There would be 12.9 acres of open space.

Laketree Acres Subdivision would consist of 141 lots on 75 acres. As some of the lots are partially within the flood plain, the applicant would have to have a detailed survey performed for building locations, prior to the issuance of building permits. The Planning Board has recommended approval of both subdivisions.

Mr. Jennings concluded with the fire protection which will be provided by South Orange Fire District.

Alderman Smith expressed his concern over the required access road from Culbreth Road. The easement had not been approved by the school board. If the easement is not granted by the school board, children will have to go on 15-501 to get to the school. He felt the easement for the access road should be acquired before the project is approved. He also believed a service road along 15-501 should be required. Mr. Jennings responded that a service road was not needed because 15-501 would be a limited access road, which would have only three intersections.

Mayor Wallace suggested considering the master plan and the phasing plan first since there are the key documents for the whole project. This would encompass general approval of the project if the Board decided to approve it. Alderman Silver agreed with Alderman Smith, that the plan should not be approved until the easement across school property has been obtained. He did not think the development of the property could be controlled while waiting for traffic improvements if the master plan were approved. He was also concerned that the project would take up 50% of the wastewater treatment planning capacity. Mayor Wallace questioned whether adopting the master plan would not put the project in gear, and in essence limit the options of the Board for the future. Mr. Denny stated the Board should not grant approval the master plan and yet refuse to rezone. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE LAKETREE PLAN AND PHASING PLAN AS GUIDES FOR FUTURE DEVELOPMENT OF THE LAKETREE AREA.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the Laketree Master Plan and Phasing Plan, as presented, as guides for future development of the Laketree area.

This the 31st. day of January, 1977.

Alderman Cohen stated that one of the important questions is what kind of policies will the Board have. Laketree seemed consistent with the policies decided on a few years ago. Most people were agreed that Chapel Hill did not want strip development or urban sprawl, but wanted a mixture of housing types, condominiums and apartments, open space and community facilities. The federal housing programs were going in this same direction. He said planned communities were needed. He reminded the Board that Chatham County had approved most developments which had come before them recently. He thought the town staff fairness doctrine was the best solution to the traffic problem. The Dogwood Acres Drive realignment would be better than what now exists. A developer such as of this project would be the only one who could afford to rip out a road and move it. If this development was not approved, he was afraid that the property would become a sprawl of several small developments without road improvements. He felt this project the best solution for long range plans.

In response to Alderman Smith's question about the bus route standards, Mr. Jennings said that collector streets are built to support busses. The stipulation for standards in the parking lot was added because there are no town standards for parking lots.

Alderman Epting stated the question to him was not whether this development would be better than development on this property without a major plan, but whether this development will endanger the health or safety of the public. And he thought the traffic would be a safety hazard. Alderman Marshall argued that as long as the town has no influence over the state improvements to thoroughfares, it will have to give up planning along these areas and will get traffic anyway.

Alderman Vickery stated the project had good technical input. The traffic consultant employed by the Town was competent. He agreed that traffic would create a hazard if the roads were not modified; however, the developer was modifying 15-501 and other roads within the area to take the traffic. He supported Alderman Cohen's statement that there would be development in this area in the next four years. He stated that many schools were next to major roads, and barriers were put up to protect children.

Alderman Gardner said that although the project was first described as a ten year phased development, he had not seen a schedule for this development. There was no agreement with the school board for an easement across school property. The town has sewage problems. Although the university service plants have indicated they could serve 22 lots with water, no one knows what the water situation will be in the next year. The density of the project was not as high as he would like it to be.

Alderman Cohen said that the Board in considering developments, should look at what kinds would do the most harm, and what kinds would be the most beneficial to the whole community. Although he would like the project to be more dense also, he did not believe it would be if this project was turned down. He said that although some members were concerned about the project taking up $\frac{1}{2}$ of the sewer planning permits, he would like to know what projects they were going to save the allocation for. He said that the economy was such that only upper income residents would be able to afford the homes if this area was developed in single family housing. He thought the harm the project would cause should be weighed against the benefits of this kind of planning. Alderman Epting said he could not accept this argument legally. He could not make a finding that this project would not be a danger to the public health.

Alderman Silver did not think the Board should approve the master plan when there had been no discussion with the school board for an access road, nor had provision been made for the impact of the project.

Mr. Bob Midgett suggested the Board put a stipulation on the developer requiring the access road across Culbreth School or other property before the project could be built.

Alderman Smith said the proposal for the access road from Culbreth should be finalized before the Board approve the project. He added that the state should be brought into the planning process to improve the safety features.

Mr. Jennings wished to clarify some points. He said the actual amount of the sewer allocation needed for the project would not be $\frac{1}{2}$ of the allocation

for the next eight years. The proposal would allow the developer to use up to $\frac{1}{2}$ of the planning permits for the project per year. He stated that the traffic engineer employed by the town does work with the state, and knows what the state standards and requirements are. In his opinion the improvements to be made by the developer would provide the safe standards required by the state. His final point was that the access road was required by stipulation.

Mr. Denny pointed out that the specific findings for safety would be relevant to the portions of the project for special use permits. And, he reminded the Board that the rezoning ordinances must be approved by two-thirds of the Board.

ALDERMAN SMITH OFFERED A SUBSTITUTE MOTION TO DELAY THE CONSIDERATION OF THE PROJECT UNTIL DISCUSSIONS WITH THE SCHOOL BOARD HAD BEEN HELD TO ASCERTAIN WHETHER THE EASEMENT WOULD BE GRANTED. ALDERMAN VICKERY SECONDED THE MOTION. THE MOTION WAS SUBSTITUTED BY A VOTE OF SIX TO ONE WITH ALDERMEN COHEN, GARDNER, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN EPTING OPPOSING. THE SUBSTITUTE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH ALDERMEN COHEN, GARDNER, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN EPTING OPPOSING.

Ordinance and Resolution Granting a Franchise to the Orange Water and Sewer Authority to Construct and Maintain its Lines for the Collection of Sanitary Sewage

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE AND RESOLUTION.

Exhibit "G-1" Chapel Hill Sewer Agreement

AN ORDINANCE AND RESOLUTION GRANTING A FRANCHISE TO THE ORANGE WATER AND SEWER AUTHORITY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE COLLECTION OF SANITARY SEWAGE, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC WAYS OF THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR A SANITARY SEWAGE COLLECTION SYSTEM

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

Section I. Grant and Term. Orange Water and Sewer Authority, its successors and assigns, is hereby granted for the term of sixty (60) years from and after the enactment hereof, the right, privilege and franchise to lay, extend, construct, build, erect, maintain, repair and remove sewer mains, interceptors, laterals, manholes, fixtures and other appurtenances for the collection of sanitary sewage upon, along, through and under any and all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out, or in use, and all that hereafter may be laid out or put into use within or near the Town of Chapel Hill, and to do all necessary acts for that purpose, and assent and permission is hereby given and granted unto the said Orange Water and Sewer Authority, its successors and assigns, to conduct, carry on, transact and do within and near the limits of said Town of Chapel Hill, the business of collecting sanitary sewage for treatment, and to conduct business authorized by law for a water and sewer authority.

Section 2. Non-Exclusive. The right to use and occupy said streets, alleys, publicways, and places for the purpose herein set forth shall be non-exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, publicways, and places to any person at any period of this franchise.

Section 3. Conditions of Street Occupancy. All pipes, mains, and other apparatus laid or placed by the Authority shall be so located in the streets, alleys and other public ways of the Town so as not to obstruct or interfere with any other lines or structures already installed or hereafter to be installed. The Authority shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of the streets would be disturbed. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Authority shall, at its own cost and expense and in a manner approved by the Department of Public Works of the Town of Chapel Hill replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced. In the event at any time during the period of this franchise, the Town shall fully elect to alter, or change the grade of, any street, alley

or other public way of the Authority, upon reasonable notice by the Town, shall remove, relay, and relocate its mains or service pipes, manholes and other fixtures at its own expense, including specifically the raising of the level of any manhole made necessary by street resurfacing.

Section 4. Ordinances Applicable. The Orange Water and Sewer Authority shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, ridges, and other public places.

Section 5. Subdivision and Zoning Regulations Applicable. The Orange Water and Sewer Authority shall be subject to the zoning and subdivision ordinances of the Town of Chapel Hill with respect to the installation of underground utilities in new subdivisions within the planning district and agrees to cooperate in the undergrounding of utilities in other areas of the Town of Chapel Hill.

Section 6. Location Maps. Orange Water and Sewer Authority agrees to maintain in the Town of Chapel Hill or Carrboro, either at its own offices or by filing with the Town, copies of all maps showing the location and type of all mains, pipes, and other fixtures situated within the planning district of the Town.

Section 7. Hold Harmless. Said Orange Water and Sewer Authority shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of its mains or lines and other appurtenances within the Town of Chapel Hill.

Section 8. Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Board of Aldermen of the Town of Chapel Hill as provided by law.

This the 31st day of January, 1977.

~~THE MOTION WAS CARRIED UNANIMOUSLY.~~

Ordinance and Resolution Granting a Franchise to the Orange Water and Sewer Authority to Construct and Maintain its Lines for the Distribution of Water

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE AND RESOLUTION.

Exhibit "G-2" Chapel Hill Sewer Agreement

AN ORDINANCE AND RESOLUTION GRANTING A FRANCHISE TO THE ORANGE WATER AND SEWER AUTHORITY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE DISTRIBUTION OF WATER ALONG, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC WAYS OF THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR A WATER DISTRIBUTION SYSTEM

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

Section 1. Grant and Term. Orange Water and Sewer Authority, its successors and assigns, is hereby granted, for the term of sixty (60) years from and after the enactment hereof, the right, privilege, and franchise to lay, extend, construct, build, erect, maintain, repair, and remove the pipes, mains, fixtures and other appurtenances for the distribution of water upon, along, through and under any and all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out, or in use, and all that hereafter may be laid out or put into use within or near the Town of Chapel Hill, and to do all necessary acts for that purpose, and assent and permission is hereby given and granted unto the said Orange Water and Sewer Authority, its successors and assigns, to conduct, carry on, transact and do within and near the limits of said Town of Chapel Hill, the business of selling, conveying, and distributing water, and to conduct business authorized by Law for a water and sewer authority.

Section 2. Non-Exclusive. The right to use and occupy said streets, alleys, public ways, and places for the purpose herein set forth shall be non-exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, public ways, and places to any person at any period of this franchise.

Section 3. Conditions of Street Occupancy. All pipes, mains, and other apparatus laid or placed by the Authority shall be so located in the streets, alleys, and other public ways of the Town as not to obstruct or interfere with any other lines or structures already installed or hereafter to be installed. The Authority shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of the streets would be disturbed. In case of any disturbance of pavement, sidewalks, driveway or other surfacing, the Authority shall, at its own cost and expense, and in a manner approved by the Department of Public Works of the Town of Chapel Hill, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced. In the event at any time during the period of this franchise, the Town shall fully elect to alter, or change the grade of any street, alley or other public way of the Authority, upon reasonable notice by the Town, shall remove, relay, and relocate its mains or service pipes, manholes and other fixtures at its own expense, including specifically the raising of the level of any manhole made necessary by street resurfacing.

Section 3. Ordinances Applicable. The Orange Water and Sewer Authority shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, ridges, and other public places.

Section 4. Subdivision and Zoning Regulations Applicable. The Orange Water and Sewer Authority shall be subject to the zoning and subdivision ordinances of the Town of Chapel Hill with respect to the installation of underground utilities in new subdivisions within the planning district and agrees to cooperate in the undergrounding of utilities in other areas of the Town of Chapel Hill.

Section 5. Location Maps. Orange Water and Sewer Authority agrees to maintain in the Town of Chapel Hill or Carrboro, either at its own offices, or by filing with the Town, copies of all maps showing the location and type of all mains, pipes, and other fixtures situated within the planning district of the Town.

Section 6. Fire Hydrants. The Authority agrees to install and maintain under the supervision of the Departments of Public Works and Fire of the Town of Chapel Hill, fire hydrants for the use by the Town, and agrees to locate such fire hydrants at all points designated by the Town.

Section 7. Hold Harmless. Said Orange Water and Sewer Authority shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of its mains or lines and other appurtenances within the Town of Chapel Hill.

Section 8. Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Board of Aldermen of the Town of Chapel Hill as provided by law.

This the 31st day of January, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Granting Joint Orange-Chatham Community Action, Inc., a Non-exclusive Franchise to Operate a Limited-Client Transportation Service within the Corporate Limits of the Town

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

AN ORDINANCE GRANTING JOINT ORANGE-CHATHAM COMMUNITY ACTION, INC., A NON-EXCLUSIVE FRANCHISE TO OPERATE A LIMITED-CLIENT TRANSPORTATION SERVICE WITHIN THE CORPORATE LIMITS OF THE TOWN

WHEREAS, it appears to the Board of Aldermen and the Board finds as a fact that it would be in the public interest, and that public convenience and necessity requires that the Town grant to Joint Orange-Chatham Community Action, Inc. (JOCCA), a non-profit corporation, a non-exclusive franchise to render limited motor bus transportation service as herein-after provided between points and places within the Town;

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

That consent and permission be, and the same is hereby given and granted to JOCCA, Inc., to engage in the furnishing of passenger transportation service as hereinafter provided over present and future streets in the Town, along the routes established from time to time as herein provided with the equipment and for the purposes as herein set forth, and to that end it is hereby authorized to operate over, along, and across the streets and highways within the Town, buses subject to the following terms and conditions:

1. Services to be rendered. The operation of buses over streets and highways within the Town shall be as to provide limited motor bus transportation service for Chatham County residents to the University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and to the Central Business District of the Town. It is the sole intent and purpose of this franchise to grant to JOCCA the authority and permission to operate over the streets of the Town for the purpose of providing such motor bus transportation to said points along the routes as hereinafter defined, with stops as herein set forth, and with passengers limited as herein provided.
2. Routes. Routes along streets of the Town shall be as provided on the attached map marked Exhibit "A". Any change in the route of the buses shall be subject to prior written approval of the Town Manager of Town and the Director of Transportation, and will be shown on a map affixed to a copy of this franchise.
3. Bus Stops. Buses operated pursuant to this franchise shall stop for the purpose of loading and unloading passengers only at points designated on said map attached hereto as Exhibit "A" as may be modified from time to time with agreement of the Town Manager and the Director of Transportation. Except for emergency purposes, said buses shall not pick up or discharge passengers at other stops along said route.
4. Passengers. Passengers on said buses shall be limited to Chatham County residents, and employed in Chapel Hill or utilizing medical or educational facilities within Chapel Hill.
5. Charges. Charges will be made for persons riding any of the buses operated pursuant to this franchise. As follows:
 - \$8.00 weekly from Pittsboro
5 Round trips \$30.00
 - \$12.00 weekly from Siler City --
Goldston - Bear Creek
5 Round trips \$44.00
 and free service provided for eligible low income persons as determined by Chatham Department of Social Services.
6. Number and Type of Buses. Permission is herewith granted for the operation of two school type, A Wayne Busette with lift and 2-15 passenger vans.
7. Insurance. JOCCA, Inc. agrees to carry at times when operated over the public streets of the Town pursuant to this franchise, insurance so as to indemnify and save harmless Town from any claims, liability, damages, occasioned by the operation of said buses on streets of Town, and JOCCA, Inc. agrees to indemnify and save harmless Town from any and all such claims, demands, liabilities, actions and causes of actions, occasioned by the operation under this franchise.
8. Duration of Franchise. This franchise shall exist and continue for a period of one year after final action by the Board of Aldermen thereon, and may be renewed for mutually acceptable periods thereafter upon application to and approval by the Town.
9. The franchise granted herein to JOCCA by the Board of Aldermen shall in no way prohibit or prevent the Board of Aldermen of the Town from granting other franchises, or from the operations of any mass transportation system within or into Town.

10. Assignment. This franchise and the right contained hereunder shall not be sold or assigned, or in any manner transferred without the prior expressed approval of the Board of Aldermen.

This the 31st day of January, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for one Centrifuge Grinder for 8-Inch Pipeline

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE CENTRIFUGE GRINDER FOR 8 INCH PIPELINE

WHEREAS the Town of Chapel Hill has solicited formal bids on One Centrifuge Grinder for 8 inch pipeline and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	<u>Delivery</u>
Franklin Miller, Inc., West Orange, N. J.	\$7,000.00	6 - 8 weeks
Robbins and Myers, Inc., Lionsville, Pennsylvania	\$6,052.00	10 - 12 weeks

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Robbins and Myers, Inc. in the amount of \$6,052 and that it be awarded the contract.

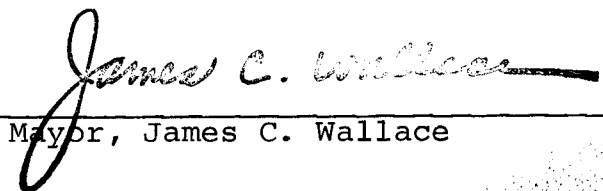
This the 31st day of January, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Historic District Commission

It was agreed that each of the aldermen would choose one name from those nominated for the Historic District Commission, and the Mayor would choose two persons. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SILVER, THAT ALICE WELSH (TERM ENDING 12/79), ROBERT STIPE (TERM ENDING 12/78), ED YAGGY (TERM ENDING 12/79), JOE SLOAN (TERM ENDING 12/79), JOE HERZENBERG (TERM ENDING 12/77), RENE EARLY (TERM ENDING 12/77), LYN OBRIST (TERM ENDING 12/77), JIM WEBB (TERM ENDING 12/77), AND NANCY PRESTON (TERM ENDING 12/78), BE APPOINTED TO THE HISTORIC DISTRICT COMMISSION. THE MOTION WAS CARRIED UNANIMOUSLY.

The meeting was adjourned to executive session at 1:10 a.m.



Mayor, James C. Wallace



Town Clerk, David B. Roberts