

MINUTES OF A PUBLIC HEARING BEFORE THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, JANUARY 15, 1979
7:30 P.M.

Mayor Wallace called the meeting to order.

Present were:

Marilyn Boulton
Gerald Cohen
Robert Epting
Jonathan Howes
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

Also present were Town Manager E. Shipman and Town Attorney E. Denny. All members of the Planning Board were present.

Mayor Wallace announced that the meeting had been called for three public hearings and consideration of a zoning matter.

Amendments to the Zoning Ordinance Concerning University A Zoning District - Public Hearing

Mr. Jennings stated on November 20, the Board of Aldermen had adopted a resolution directing the manager and the zoning rewrite committee and the Planning board to prepare zoning text amendments regarding University A. The three items included in the resolution were establishing transitional areas, considering prohibited and permitted uses and special uses, establishing area, tightened height, bulk, and placement regulations for the transitional areas. A later resolution had specifically called for special uses on stadiums and coliseums. The staff had analyzed the fringe areas, and identified the factors involved, reviewing them with the University officials. The recommended proposals had also been reviewed with University officials. The first amendment would require University lots located within 35' of residential districts to observe similar setbacks and heights to the residential district with provision that the 35' height limit might be exceeded on the University district provided the building was setback on a one-to-one ratio from the initial setback. Within 100' of a residential district, the floor area/land area ratio would be limited to .2. The staff recommended retaining the list of permitted uses eliminating unified housing and unified business special uses from the list of special uses. The proposed special use permit for stadiums would be for auditoriums accommodating more than 2,000 people. Mr. Jennings believed the wording such that it would include stadiums and coliseums and similar type buildings.

Mr. Reese asked where the boundary for the start of the 35' setback would be when a road separated the university and a residential district. Mr. Jennings answered that the district line was different in different areas and the setback would begin from the district line. He indicated that when the Board revised the zoning map they might want to consider this problem. Alderman Smith asked where, in cases which had a buffer, the 35' setback would begin. Mr. Jennings explained that the buffer was zoned residential and the district line would not include the buffer. With no further comments, ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, TO REFER THE MATTER TO THE PLANNING BOARD AND THE ZONING REWRITE COMMITTEE. Alderman Howes asked that the Planning Board review the proposed special use permits as quickly as possible because of the concerns of the residents near the Baily property. THE MOTION WAS CARRIED UNANIMOUSLY.

Request for a Unified Business Special Use Permit - Public Hearing

All witnesses were sworn in. Mr. Herb Holland proposed to build two office buildings of approximately 6,400 sq. ft. at 608 Airport Road. There is currently one building on the site. The property is zoned R-3. The issues dealt with conformance with the comprehensive plan which discourages commercial development along highways and major thoroughfares. Major thoroughfares are designed to move traffic rather than to provide access. The applicant proposed to provide a third curb cut within a distance of 100' for access to the project. The applicant estimated the project would generate 250 trips per day. Mr. Jennings stated the proposed development would generate 2 to 3 times the amount of traffic that a residential development would generate. The commercial traffic would be concentrated during office hours rather than waking hours. A commercial development would have priority in

visibility to the thoroughfare. Alderman Kawalec asked if the State had standards for distances between curb cuts. Mr. Jennings responded that there were standards, but that he did not know what they were. Alderman Howes asked if the two-building layout was to meet the requirements of the ordinance or was at the preference of the developer. Mr. Jennings did not know. In response to another question, Mr. Jennings stated that the recommendation for ordinance changes would include deleting unified business special use permits in favor of planned development which would have the effect of eliminating the two-building requirement.

Mr. Moser, the architect for the project, agreed that the drive was not located in a safe place, but because of the proximity of other drives, no place on the property was better than the proposed location. He did not believe the trips generated would be much greater than those created by a residential development. Mr. Holland intended to occupy the front building and lease the rear building. The project would not injure the adjacent property; the site would be cleaned-up. Mr. Moser indicated the buildings would be heavily screened from Airport Road. An impoundment pond would help to control soil erosion. Alderman Epting asked if there was a necessity for putting the parking lot between the street and the building. Mr. Moser answered that there was a parking lot on both sides of each building. This enabled visitors to enter each of the four levels and facilitated access for the handicapped. Alderman Epting asked if any other development in this area had been parking between the street and the building. Mr. Moser said it did not, but added that the developer intended to screen the parking heavily so that it would not be noticeable. Alderman Smith asked how Mr. Moser would resolve the conflict between his statement that the development would not be a safety hazard and the staff's contention that a residential development would create much less traffic. Mr. Moser responded that approximately 10 residential units could be put on the property, but there would probably be more people in these apartments than would be using the two buildings. Mr. Jennings said his calculations were based on the accepted trip generation used for apartments recognizing the student population of Chapel Hill. Ms. Parker asked if the developer had made any attempts to get permission to use one of the current curb cuts instead of making another. Mr. Moser said there was a possibility of using the drive for Northampton Plaza, but that would be dependent on an easement from the adjoining property owner. Mr. Hazard added there had been correspondence with Mr. Birgel but that he had not asked for any definite commitment until he could get the Board's opinion on this matter. He would now begin serious negotiations for an easement through the existing drive. Alderman Smith objected to the project because it was not in conformance with the comprehensive plan. Ms. Stewart asked how many of the pecan and walnut trees would be saved. Mr. Moser said two would be lost but four would be left, two of which were on Mr. Birgel's property.

Mr. Denny asked if Mr. Moser thought the 250 trips generated would significantly affect the traffic on Airport road. Mr. Moser said that Airport road could take more than the 13,300 cars on it daily. Mr. Denny then asked if Mr. Moser thought the 250 cars entering and exiting Airport Road would create no hazard. Mr. Moser said that they could be a hazard, and that it would be better to use one of the existing curb cuts. Mr. Denny asked how Mr. Moser could conclude that this project would be in harmony with the surrounding area. Mr. Moser said there was such a mixture of development in the area that he could find any type. The project would improve the appearance of the area. Mr. Denny asked if Mr. Moser contended the project would be in conformity with R-3 zoning. Mr. Moser said no, that it conformed with the land use plan if one considered that the land use plan had already been violated by the special use permit issued two lots over.

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

Ordinance to Amend the Charter of the Town of Chapel Hill to Change the Designation of the Board of Aldermen to a Town Council

Mr. Denny explained that under the general statutes of North Carolina a local municipality might amend its own charter in certain respects, one of which is the designation of the local board. The Board had adopted a resolution of intent to consider an ordinance to amend the charter and had called a public hearing for this meeting. At the next meeting or within 45 days, the Board might adopt the ordinance amending the charter or it might drop the matter. Alderman Kawalec stated there was no historical mandate for calling the governing council of Chapel Hill a Board of Aldermen. In her opinion, Board of Aldermen had connotations of cities with ward precincts. She advocated the change to town council because many people were not familiar with the term "Board of Aldermen" and did not know what it was. She suggested the members be called "Council members". She related some etymological information on the word "alderman". Alderman Cohen said "Board of Aldermen"

used to refer to a board of the older men of the community which was no longer the case in the American government. Mr. Capowski said this was not important to him and he did not want to see tax money spend on changing the name. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN EPTING, TO PLACE THE ITEM ON THE AGENDA OF THE MEETING OF JANUARY 22. THE MOTION WAS CARRIED UNANIMOUSLY.

The public hearings were concluded.

Ordinance Rezoning from R-20 to University A, a Tract of Land located Between Mason Farm Road and Manning Drive - Second Reading

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE REZONING FROM R-20 TO UNIVERSITY A, A TRACT OF LAND LOCATED BETWEEN MASON FARM ROAD AND MANNING DRIVE.

WHEREAS, after due advertisement as provided by law, a public hearing was duly called and held on September 25, 1978 by the Board of Aldermen and the Planning Board of the Town of Chapel Hill to consider proposed changes in the Zoning Ordinance; and

WHEREAS, following said public hearing the Planning Board recommended to the Board of Aldermen adoption of the following changes in the Zoning Ordinance; NOW, THEREFORE,

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

Section I

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be and the same hereby is amended so that the following area be rezoned from R-20 to University A, and that the uses permitted in areas designated University A in the Zoning Ordinance shall hereafter apply in the following area:

Beginning at an iron stake, the control corner with N.C. Plane coordinates Y = 782,413.56, X = 1,987,653.17, a point that is 525 feet southwest of the west-edge pavement on Manning Drive and 440 feet northwestward of the north end of the Baity residence as shown on a plat by R. J. Ayers, Registered Surveyor, dated December 1961 on record at the Office of the University Engineer, University of North Carolina at Chapel Hill, N.C.; running thence N 86° 06' 30" E, 700.56 feet to an old iron; running thence S 3° 45' E, 203.09 feet to a new iron; thence S 52° 01' 22" E, 151.06 feet to an old iron; thence S 3° 29' 30" E, 371.78 feet to an old iron stake; thence S 72° 07' W, 114.66 feet to an old iron stake; thence S 5° 18' E, 169.30 feet to an old iron stake, the southeast corner of the Baity tract on the north right-of-way line of 15-501 By-Pass; thence S 74° 58' 28" W, 181.20 feet to a point; thence N 63° 03' W, 432.02 feet to a point; thence N 74° 58' E, 447.88 feet; thence N 3° 29' W, 398 feet; thence S 86° 06' W, 596.2 feet; thence S 34° 40' W, 441.07 feet to a point; thence S 78° 53' W, 346.467 feet to a

point; thence N 85° 14' 00" W, 396.614 feet to a point; thence N 84° 25' W, 345.627 feet to a point; thence N 79° 06' W, 64.64 feet to a point; thence a new line N 01° 31' 42" E, 126.72 feet to a point; thence N 43° 13' 25" W, 120.20 feet to a point; thence N 01° 31' 42" E, 77.76 feet to a point; thence with a curve having a radius of 200.00 feet, an arc of 271.50 feet, a chord bearing and distance of N 37° 18' 58" W, 251.13 feet to a point in the west line of the original Baity tract N 00° 01' 30" E, 214.28 feet to a point; the northwest corner of the existing Baity tract; running thence N 63° 25' 39" E, 167.70 feet to a point in the north line of said existing tract; running thence with said north line N 89° 59' 34" E, 1443.69 feet to a concrete monument, a corner of the existing tract; running thence S 3° 44' 29" E 229.73 feet to the beginning, 34.886 acres more or less.

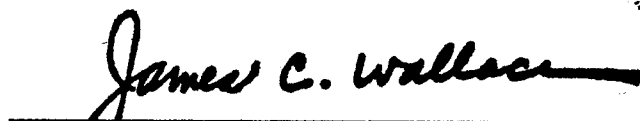
Section II

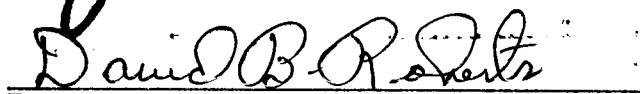
All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 15th day of January, 1979.

THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC AND MAYOR WALLACE SUPPORTING AND ALDERMEN COHEN, SMITH, THORPE AND VICKERY OPPOSING.

There being no further business to come before the Board, the meeting was adjourned.


 Mayor James C. Wallace


 Town Clerk David B. Roberts