

Board of Adjustment--Appointments

Monica Kalo, Linda Brown, and Julie Tenney had been nominated for two positions. As Ms. Tenney had been appointed to the Housing Authority Board, Council member Cohen withdrew her nomination. Council member Epting moved, seconded by Council member Smith, that the nominations be closed. The motion was carried unanimously and Ms. Kalo and Ms. Brown were appointed.

Planning Board--Appointment

Mr. Reeve had been nominated for the position. Council member Epting moved, seconded by Council member Howes, that the nominations be closed. The motion was carried unanimously, and Mr. Reeve was appointed.

Historic District Commission--Nominations

The Commission had forwarded the names of Shelley L. Hausler, Doug Johnston, Eleanor Kinnaird, Knox Tate, Edwin W. Tenney, Jr. for nomination.

Orange County Energy Conservation Commission--Nominations

Council member Kawalec nominated Ronald P. Strauss. Council member Howes nominated Bill Hill.

Parks & Recreation Commission--Nominations

The Commission had forwarded the names of Karen Davidson and H. Garland Hershey for nomination.

Report of Triangle Commission--Nominations

The Commission had forwarded the names of Karen Davidson and H. Garland Hershey for nomination.

Report on Triangle COG's Policy Review Process

Council member Howes reported that Chapel Hill's vote had been cast against the new procedure which had been a controversial matter.

Report on Holiday Decorations

Mr. Shipman stated the Chamber of Commerce had given \$2400 for decorations in the CBD. They would allow the town to appoint a citizen committee to design and make decorations. The committee would be responsible for putting up and removing the decorations. Council member Cohen moved that the Mayor appoint the members to this committee. The Council agreed.

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


Mayor James C. Wallace


Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, SEPTEMBER 17, 1979
7:30 P.M.

Mayor Pro Tem Epting called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

Also present were Town Manager E. Shipman and Assistant Town Attorney D. Drake. Mayor Wallace and Council member Howes were excused. A quorum of the Planning Board was present.

Piney Mountain Day Care Center--Public Hearing

Mr. Jennings presented the request for a special use request for a day care center to be located in an existing residence on Piney Mountain Road. Day care had been identified as a need in Chapel Hill. This center would operate during odd hours. The center had been approved by the State.

Ms. Foushee submitted the state of justification. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Student Housing--Public Hearing

Witnesses were sworn. Mr. Jennings presented the proposed 192-unit housing project for students, to be located on Franklin Street between Elliot Road and Conner Drive. Access would be by Conner Drive and Couch Lane. Subject property and surrounding properties were zoned R-3 to encourage high density housing. The applicant planned for additional buildings should the zoning be changed as proposed. Recreational facilities were shown on the site plan. The staff had considered linking Conner Drive with Elliot Road, but had decided against this in the evaluation of Hillhaven Nursing Home. It was recognized that traffic could go through the parking lot from Conner Drive to Franklin Street. There was also a concern over left turns onto Franklin Street from the project.

Mr. Rutherford submitted the statement of justification. He submitted a letter from Worthy and Wacktle addressing the question of value of adjacent property. Mr. Rutherford stated the project would comply with the zoning ordinance. Although the University had no commitment from land owners along Couch Lane for a 60' right-of-way, they anticipated no problems obtaining the right-of-way. Mr. Rutherford added that they did not believe there would be a great amount of vehicular traffic on the site during the day because of alternative means of transportation of bus and bicycling.

Council member Smith was concerned that the parking circled the project so that cars would be visible all around the buildings. He also considered it more dangerous to make the left turns onto Franklin Street at night than during the day. Mr. Rutherford responded that the State DOT did not believe the amount of traffic from the project warranted a traffic light. The University would consider a no left turn sign at the entrance. Council member Epting asked if the University had considered more recreational facilities. Mr. Rutherford answered that although there were space limitations, the area in the middle of the buildings had been left for a park for frisbee or other types of games.

Mr. Rutherford stated the site plan would shield much of the parking. The new zoning ordinance would provide for compact cars which would reduce the area by 25%. There would be walkways and bikeways. There would only be permits for the number of parking spaces. The University hoped to discourage parking.

Mr. Rashkis stated that the few single-family residences on Franklin Street in this area, would in his opinion, soon become rental property. There were other apartments in the area. The project would have no detrimental effect on surrounding properties, and might set a pattern for use of surrounding property. Council member Smith was concerned for the residents of the single-family houses.

There were no speakers in opposition to the project. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER COHEN, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Esseola Apartments--Public Hearing

All witnesses were sworn. The proposal was to construct a 26-unit apartment complex on Airport Road. A portion of the property was zoned R-3 and the rest R-10. Mr. Jennings stated one of the concerns raised in staff review was on the drainage of the public housing which is a problem. Access would be off Airport Road. Mr. McAdams stated there would be no cutting of trees as there were no woods on the site where the buildings would be constructed. He anticipated little grading. The traffic from the project would not overburden Airport Road. Council member Smith asked what the developer's efforts would be to control drainage problems. Mr. McAdams responded the developer would file a drainage plan with the town. The existing catch basins and pipe were directed toward the west, not to the public housing. They would not discharge water directly onto the public housing.

Mr. Spratt submitted a letter from Mr. Tenney regarding surrounding property values. Mr. Rashkis stated that with multi-family uses on both sides of the project, the project should not injure surrounding property values. There were no further comments from the audience. COUNCIL MEMBER COHEN MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Farmers Fair--Public Hearing

All witnesses were sworn. Mr. Jennings stated that the fair was being held on Thursdays in a parking lot off Airport Road. The property was zoned R-4, and commercial uses were not allowed. The portable building special use permit would bring the fair into conformity with the zoning ordinance. No building was proposed at present. Council member Vickery asked if the permit was issued would the applicant have the right to park a truck there overnight. Mr. Jennings responded yes.

Ms. Wallace explained that the market had been started last year to give farmers a market for their fresh produce. It was to help rejuvenate the small farm, and to offer the consumer cheaper produce. The market had moved from the Church of Reconciliation on Elliot Road to the lot on Airport Road because of size. Renting a site would cut into the profit margin. Council member Kawalec asked if any other sites had been considered. Mr. Hanton answered that they had approached officials at shopping centers, but had been refused because of the grocery stores in the shopping centers. Ms. Wallace submitted the statement of justification.

Council member Smith asked why these farmers would need a special use permit when they could sell their own produce on the streets. They had permission from the owner of the property to use the property. Mr. Drake explained that although they were allowed to sell on the streets, the zoning ordinance prohibited the commercial use of residentially zoned property without a special use permit. Council member Smith commented that he rather make an exception to the zoning ordinance than grant a special use permit for a portable building. Since a special use ran with the land, the portable building could remain after the farmers fair left. Council member Vickery agreed. Council member Cohen argued that he did not want to give the fair permission to go just anywhere in town.

In response to Council member Boulton, Mr. Drake explained that the town's controls on vendors did not affect farmers, but the parking limits did. There were no further comments from the audience. COUNCIL MEMBER COHEN MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Elliot Road Offices--Public Hearing

Mr. Jennings presented the proposal to construct two office buildings on 2.3 acres of land off Elliot Road. The project could go against the concept of encouraging a residential core in this area. As mentioned in the hearing on student housing, there was concern over the road patterns in the area. Controlling the access to Hillhaven from Elliot Road had been discussed.

Mr. McAdams stated the offices would be residential in appearance with cedar siding. The property would be heavily landscaped. The building closest to the access road would be constructed first and the second building about 4 years later. A driveway access to Couch Lane would provide an alternate access. An 8' cedar fence to the south would provide screening. The applicant believed this would provide a transition between the commercial area across Elliot Road and the undeveloped land to the east, currently in residential use. The traffic from the offices would not make a great impact on traffic on Elliot Road, and would not conflict with the times of heaviest traffic at the shopping center which was when the theatres let out at night. The applicant would agree to a pedestrian easement across the southern end of the property for students and residents to go from one shopping center to the other. Mr. McAdams submitted the statement of justification. Mr. Goforth stated the project would not injure the value of surrounding properties. A resident from Couch Lane stated she was in favor of the project.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER COHEN, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

McDonald's Drive-in Business--Public Hearing

Witnesses were sworn. Mr. Jennings stated the drive-in window could not comply with the town's policy in that it was not in a planned shopping center and unified business development. It did however provide service to both pedestrians and vehicular traffic. The Planning Board would in the proposed zoning ordinance recommend that drive-in businesses not be permitted in the town at all. The only exceptions would be car washes and gas stations. A drive-in business special use request had been denied to Burger King for this reason.

Ms. Mazzu stated the drive-in window would not endanger the health or safety of the people in the surrounding area. The drive-in window would improve the traffic pattern on the site. Limited parking caused customers to double park or circle through the lot several times. The project would not, in her opinion, injure the value of adjoining property. Landscaping had been added to the site recently. Ms. Mazzu did not believe this would generate more traffic in the area. Council member Epting asked if the parking would then be reduced. Ms. Mazzu stated they would lose six places. Council member Epting commented that he had never seen cars circling nor had he seen the parking lot full. He did not believe the drive-in window was needed on this site. Ms. Mazzu stated this business had less parking for its volume of business than most McDonald's. They had not been able to obtain more property in the area for parking. In response to Council member Cohen, she said she had not considered the town's new parking lot in the area. Ms. Mazzu submitted the statement of justification.

Mr. Reid, a resident on Mallette Street, spoke against the proposal. It would be against the pedestrian orientation of the downtown area. Encouraging people to eat in their cars would also aggravate the litter problem in the neighborhood. He asked the Council to deny the request. There were no further comments. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Winchester Court--Public Hearing

Witnesses were sworn. Mr. Jennings presented the proposal for 24 units, to be located at 1515 E. Franklin Street. Forty parking spaces would be provided for the condominiums. Mr. Jennings added that the town was encouraging high density residential development along the north side of E. Franklin Street.

Mr. Jones submitted the statement of justification. He stated that the project would be screened as much as possible. The parking had been arranged to hide it from the street. Mr. Jones hoped to attract elderly and retired persons to the project. Any other arrangement for parking would necessitate the cutting of several large trees. There were no further comments from the audience. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER VICKERY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Carolina Courts--Public Hearing

All witnesses were sworn. Mr. Jennings pointed out the original plan for Eastowne showed the location for the racquetball facility as recreational open space. The town land use plan had copied this. There had been no major issues at the public discussion. Although this was a commercial use, the Recreation Director had thought it to be a compatible use with the area as there was a large amount of high density residential development and offices where the people could use the facilities at lunch.

Mr. Pizer stated the site planning had been coordinated with the overall site planning. He believed these facilities would offer much to the residents and tenants of Eastowne, as well as to the residents of Chapel Hill. The public would be encouraged to use the restaurant in the racquetball facility. Mr. Pizer submitted the statement of justification. There were no comments from the audience. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER VICKERY, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

9-20-79Zoning Map Amendment from R-15 to Limited Business for a portion of the Eastowne Development--Public Hearing

Mr. Jennings pointed out the location of the property. The land use plan showed a portion of this land as open space. The flood plain abutted the portion on the north. The rest of the property was envisioned as high density residential development. The land use plan did not show I-40 across the property. Mr. Jennings reviewed the three criteria for a zoning map change.

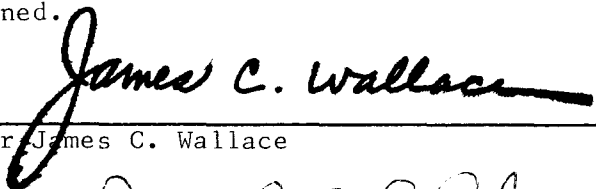
Mr. Pizer contended there had been a number of changes since the original zoning. He also believed the original zoning to be a mistake. The property was surrounded by commercial space and high density residential space. He had found there were a number of tenants who wanted to own their own building. They had decided to sell people lots who would then build their own buildings. There would be an architectural committee to approve the designs. To be commercially feasible, the applicant thought the zoning must be changed so that developers would not need a special use permit for each building. The land was close to the I-40 corridor.

Mr. Atkins added that there was a need for this type of development in the community. It would provide flexibility for people to build small offices. The limited business zoning would restrict the lane to office use. He submitted the statement of justification. There were no further comments. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

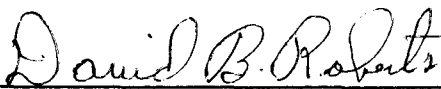
Restructuring of Planning Board and Board of Adjustment--Public Hearing

Local legislation passed by the General Assembly would allow the restructuring of the ratio of city/county membership of the Planning Board and Board of Adjustment from 5/5 to 7/3. Mr. Jennings explained the public hearing on this proposal had been called at the request of the Council. Council member Cohen added that the town would soon annex a large portion of the planning area in which two of the Planning Board members lived. The County had agreed not to oppose the local legislation. There were no comments from citizens. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

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



Mayor James C. Wallace



Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING AND SPECIAL MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 20, 1979
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
Robert Epting (late)
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

Also present were Town Manager E. Shipman and Town Attorney E. Denny. The Town Clerk reported to the Town Council that the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL", which