

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

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

Marilyn Boulton
Gerald Cohen
Jonathan Howes
Beverly Kawalec
R. D. Smith
Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Mayor Wallace and Council member Vickery were excused.

Council member Epting announced that the public hearing would allow comment on the proposed zoning ordinance.

Mr. Shipman stated the Mayor had appointed a Zoning Ordinance Rewrite Committee, composed of a cross-section of citizens from Chapel Hill. The committee had worked with the consultant, Bob Leary, and the planning staff to develop the text of the proposed zoning ordinance. The subcommittee of the Planning Board had worked with the staff to prepare the map which would be considered with the Zoning Ordinance. A public information meeting had been held with the Planning Board on October 9, 1979. The date scheduled for adoption of the Zoning Ordinance was November 19, 1979. To make the proposed ordinance more strict, another public hearing would be necessary.

Mr. Jennings presented the proposed zoning ordinance. Through this the town would have available new development tools. Mr. Jennings reviewed the table on contents of the proposed ordinance, naming sections which would answer specific objectives of the town.

Mr. Messer questioned the treatment of parking decks. Mr. Jennings responded parking decks would be treated the same as parking lots, with the decks encouraged as a more efficient use of land.

Residents were concerned about an opportunity for public input in the planned development process. Mr. Jennings explained the ordinance did not require this. The Planning Board would discuss the matter before setting a procedure.

Ms. Gordon asked what the relationship between the zoning ordinance and subdivision ordinance would be. Mr. Jennings answered that it would be the same as it is now.

Mr. Feiss inquired whether there was a requirement for a master plan of large areas, thereby preventing incremental development of small tracts. Mr. Jennings explained the legal requirements the town was under when land was under two different ownerships. And, when under the same ownership, the development could be controlled by the subdivision ordinance. Subdivision of ten acres or more was allowed by state law.

Mr. Lembo objected to the rezoning of commercial property which was not being used for commercial purposes. Mr. Jennings responded the town wanted to encourage the development of commercial property, in an activity center, through the planned development process. Mr. Thompson added that the property could be used as commercial property only if it was more than five acres. Council member Epting asked how many such parcels there were in town. Mr. Jennings thought there to be very few other than that across from the China Nite Restaurant.

Ms. Gordon questioned the procedure for amending the zoning ordinance as there were no findings to be made as in a special use permit. Mr. Jennings stated the procedure had been established by zoning law. The Council would have to make specific findings in a planned development. Ms. Gordon thought the procedure for amending the zoning ordinance too vague. She did not believe there to be enough opportunity for public input in the planned development procedure either. Mr. Jennings explained the Planning Board would have to discuss the procedure for a planned development.

Council member Smith asked how much control the Council would have over a planned development. Mr. Jennings answered there would be more discretion on the part of the Council in a planned development because it was a zoning map amendment.

Mr. Lytle wanted the definition of family clarified. He was concerned about the rental of houses to unrelated people. Mr. Jennings replied that the definition had been changed from its current meaning of any number of unrelated people living in a household to 4 unrelated individuals living in a household.

Mr. Tobin Savage, Chairman of the Library Board of Trustees, asked that the Council exempt the Library from some of the parking regulations or some of the zoning regulations. They have one of the highest circulation rates in the state. Although the parking problem would be resolved when the proposed expansion was built, they needed cooperation in working with other agencies or in leasing property for parking. Council member Howes asked that Mr. Jennings and the Library Board discuss options available and bring a recommendation to the work session.

Mr. Rashkis was concerned with the procedure for planned developments, especially when on undeveloped land next to housing. When buying housing, the residents relied on zoning to know the use of undeveloped land adjoining their property. The need to rezone commercial property would make negotiation for buying undeveloped property difficult. The process for determining commercial suitability was also vague.

Mr. Reeves responded that the change of zoning would occur within activity centers designated by the comprehensive plan. They hoped to make more people aware of the comprehensive plan, thereby minimizing misunderstandings by residents on the use of property.

Mr. Lembo represented May Womble, owner of one of the tracts of commercially zoned land which would be rezoned. As this tract was under 5 acres, it could not then be developed commercially, although surrounded by commercial development. He stated this would work a hardship on Ms. Womble, who counted this as one of her sources of income. Ms. Rebecca Womble also owned a small parcel which would be rezoned. The land had been zoned commercial in 1969, and these residents had relied on this zoning in negotiations regarding their land. The land value would now be decreased through the proposed ordinance. They objected as there was no error in the original commercial zoning.

Mr. Rutherford voiced the University's objections to the new zoning map, particularly the rezoning of the Mason Farm Road tract, the rezoning of the President's house, the relocation of zoning boundaries to the University's side of the street, pushing back the setback along Chase Avenue, and the rezoning of Battle Park. These changes would make many of the existing uses non-conforming uses. In discussing the setback regulations before, the University had believed the lines drawn last fall would remain. Now, many of the dormitories would become non-conforming. Proposed University buildings could not be constructed with proposed setbacks. Mr. Rutherford believed parking requirements for projects within the University zoning to be excessive. In response to Council member Thorpe, Mr. Rutherford explained that the committee had not seen the zoning map until recently. The staff and Planning Board had drawn this.

Mr. Temple wanted more time for residents to study the proposed map and ordinance. He did not believe university land should be changed to residential zoning. Although the staff had labeled the Mason Farm property a critical environmental area, Mr. Temple did not think residential zoning would be better than University zoning. The changes would not allow the University room for growth.

Mr. Allen Waters asked that the Council review the general administration building rezoning. He believed reverting back to residential zoning to be inappropriate. This was the best site for office use and it would continue to be used for offices.

Mr. Rashkis supported Mr. Temple in his request for more time to study the proposed ordinance and map. He did not believe action should be taken until residents had time to examine the proposal. Council member Howes agreed. He suggested a series of work sessions and another public hearing before adopting the ordinance. Council member Smith was not sure the zoning ordinance had been widely circulated. He asked if the persons whose property would become non-conforming had been notified. Mr. Jennings stated memos had been sent to approximately 165 people involved in the land use planning process, developers or realtors. There had been two display ads in the last two weeks and legal advertisements.

Mr. McAdams requested an exemption for the Forest Creek Subdivision which was currently under review. Five of the lots would be within the flood plain and could not be built under the proposed zoning ordinance. The developer had planned for homes to be built high enough to allow for flooding.

Mr. Bryan pointed out there was no provision in the proposed ordinance for apartments within houses, or for light assembly or manufacturing in the city limits.

Mr. Post presented a request similar to Mr. McAdams asking that the Coker Hills West, Phase 10, be excluded from the Airport Hazard zone. This would affect 8 lots on 5 acres of land. Council member Cohen pointed out a density credit would be allowed for this land.

Council member Howes had received requests from residents to have the Council rather than the Board of Adjustment approve special use permits for cemeteries.

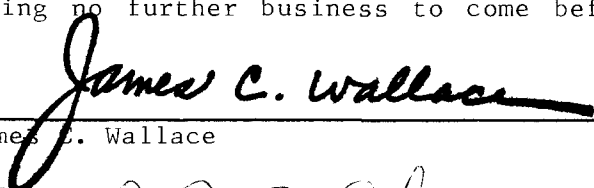
Council member Smith was concerned that parts of streets would be allowed as open space within subdivisions. Mr. Jennings explained that this was the gross land area. Mr. Berger added that the definition of open space would change.

Council member Smith asked if the proposed zoning ordinance would encourage high-rise construction in the inner city. Mr. Jennings wanted more development at more than 2 stories, possibly up to 4 stories in the CBD.

Council member Kawalec asked that the Manager recommend at the next meeting a new schedule for adoption of the zoning ordinance, as the Council would not be proceeding as quickly as planned.

Mr. Denny stated that all building permits recently issued had contained notice that the town was considering a change in the zoning ordinance, and that the permit was subject to revocation unless there had been substantial work on the project. Even with substantial work, the use could become non-conforming.

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 REGULAR MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, OCTOBER 22, 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

Also present were Acting Town Manager C. Peddicord and Town Attorney E. Denny. Council member Vickery was excused.

Petitions and Requests

Ms. Ontjes and Ms. Brock requested the Council's consideration of and action on the town cemetery on 15-501. Specifically, they requested consideration of the following items: (1) completion of the landscape plan; (2) placement of burial sites further back from the road to prevent cars from pulling onto them; (3) free choice of