

MINUTES OF A PUBLIC HEARING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
WEDNESDAY, DECEMBER 12, 1979
7:30 P.M.

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

Marilyn Boulton (late)
Joseph Herzenberg
Beverly Kawalec
R. D. Smith
Joseph Straley
Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Wallace was absent. Mayor Pro Tem Howes announced that Mayor Nassif would be arriving later in the evening. There was a quorum of the Planning Board present.

Council member Howes reminded the audience that this was a public hearing at which no action would be taken. He asked Mr. Denny to give a brief explanation of the special use process. (Council member Boulton came in.) Mr. Denny outlined the quasi-judicial process for the special use permit, which required that all evidence be given under oath and be subject to cross-examination.

Ironwoods

All persons wishing to give evidence were sworn. Mr. Jennings presented the request for a unified housing special use permit. He pointed out the location on Estes Drive. The road would loop to connect with Seawell School Road. Interior roads and cul-de-sacs would be 27' with curb and gutter with the loop road built to 33' with curb and gutter. The townhouse development would have 127 units with 176 detached units. The detached units were included in the special use request to effect a transfer of density to the townhouse units. A portion of the tract was in the Carrboro planning district, but the applicant was requesting annexation to Chapel Hill. Some of the concerns raised at the planning board discussion were sight distances at Estes Drive, one access to the townhouse development, the adequacy of the open space for the detached units, the length of cul-de-sacs as opposed to the land disturbing activity of connecting streets. (Mayor Nassif joined the Council.) The land proposed for the townhouse units was designated as open space on the land use plan to try to keep development away from the airport. The land was not, however, in the flight path.

Mr. McAdams submitted the statement of justification for the record. He pointed out the development was two miles from the center of town, complying with the policy of in-fill. Schools and recreational areas were within walking distance. Mr. McAdams reviewed the traffic figures for Estes Drive and Seawell School Road which were under capacity. A traffic light had been installed at the intersection of Greensboro Street and Estes Drive in Carrboro to prevent a bottleneck there. Utilities would be provided by OWASA and Duke Power. Garbage, police and fire services would be provided by Chapel Hill after annexation. The developer would file an erosion control plan with the Orange County Erosion Control Officer. The project would comply with the zoning. There would be no construction along Bolin

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Creek except for sewer lines. A sidewalk would be constructed along one side of the loop road. Fifteen acres of open space would be provided for the detached housing, 11 acres as a 50' buffer along the railroad and 4 acres in parcels. The open space lots would have a basketball court, a volleyball court and facilities for younger children. The townhouses would have a pool, tennis courts and a clubhouse. The units would cost approximately \$70,000 to \$80,000, in keeping with housing in the area. There would be a 100' buffer between the housing units and the airport, with no unit closer than 400'. Noise readings had been taken by the developer to insure there would not be excessive noise.

Council member Smith commented that although the units were within walking distance of schools, the traffic was such that children should not be walking along roads with no sidewalks. He thought there should be open space activities for the detached housing. Mr. McAdams responded that the Exchange Club pool and YMCA were close by. The developer did not believe there would be as close a community as would be within the townhouses. Council member Smith also believed the noise levels would be higher than the developer anticipated.

Mayor Nassif asked for the thickness of Seawell School Road. Mr. Jennings believed it to be to secondary road standards of the state. In response to a request from Mr. Reeve, Mr. McAdams pointed out the location of the runway in relation to the development.

Mr. Cohen, representing the Village West Homeowners Association, informed the Council the Homeowners Association had no objection to the project. They did believe the land along Bolin Creek should be deeded to the town. This would provide good picnic areas and continue the town's greenway system. The insulation of townhouses was good. Mr. Cohen had performed noise tests and believed there to be protection from noise.

Mr. Howard Massengil contended the project would endanger the public health. Umstead Drive was narrow and winding, but was used heavily as an access road to town. The project would increase the traffic on this road with no sidewalks. There had been a large number of accidents on the curve near the recreation center. Mr. Cohen stated residents had requested a sidewalk on this road. Mr. Massengil did not believe a sidewalk would solve all the problems.

Mr. Craig questioned the size of the water lines along Seawell Road, whether they could accommodate further development in the area. Mr. McAdams answered these were 24" lines, being major lines from the treatment plant to the water tank. The lines had to be approved by OWASA. The sewer outfall lines would accommodate further development.

Mr. Ted Johnson asked how many new students would be introduced into the schools from this project, and if they would cause overcrowding. Mr. McAdams did not know how many students would be added to the school system.

Council member Straley commented on the heavy traffic on Estes Drive and asked for further figures. Mr. McAdams responded that his first figures had been in error. Council member Kawalec moved, seconded by Council member Boulton, to recess the public hearing until after the second public hearing to give Mr. McAdams time to recalculate his traffic figures. The motion was carried unanimously.

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Graham Court Condominiums

All witnesses were sworn. Mr. Jennings presented the request to convert existing apartments to condominiums. The property was zoned predominantly R-4, high density usage. Under existing zoning only 11 units would be allowed. The applicant had requested 3 variances to allow the 24 units. Two variances had been granted, but one exempting the applicant from minimum lot size had been denied. Although non-conforming, the project could be converted as this would not increase the non-conformity. Mr. Jennings stated there was a national trend to convert rental units to condominiums which caused concern because of the loss of rental units. Many cities had begun to regulate the pace of conversion.

Council member Smith asked how long current tenants had been living in the Graham Court apartments. Mr. Jennings did not know specifically, but believed some had been there twenty to thirty years. The structure was 60 years old.

Mr. Page stated the owners were concerned with making the structure conforming so that it could be rebuilt if destroyed. He believed the conversion would not endanger the public health or safety, contending that owner occupied housing would produce less traffic. There would be sufficient off-street parking for the units which would be within walking distance of the University and hospital. The project would meet all conditions and specifications of the ordinance. The surrounding area was a mixture of rental and owner-occupied housing. Mr. Page estimated the property value would go up after renovation of these structures. He stated the previous council had encouraged redevelopment in town. Development of apartment projects in this area had been prevented by the Council. Displacement of older residents could be eased by allowing time to find other housing and by giving current residents first right of refusal to buy. In response to Mayor Nassif, Mr. Page informed the Council the property had been purchased in June 1979.

Mr. Land reviewed the proposed parking plans for the project. The area would be landscaped to accommodate 36 spaces with the drive being moved and a curb cut closed. The structure would be renovated with a new roof, screens, fire walls, the heating system replaced, insulation improved and kitchens and bathrooms refurbished and repaired. Oak floors would be refinished or carpeted. The applicants believed improvements would increase surrounding property values and would be harmonious with the area.

Council member Smith asked if the units currently met the building code. They did not meet the electrical code and Mr. Land was not sure they met the plumbing code. The applicant had not been required to bring them up to code standards with just a change of ownership. Council member Thorpe questioned Mr. Land on his statement that residents could continue living in the units while renovations were taking place. Mr. Land clarified his statement saying they could remain while landscaping and renovations to the drive and common spaces were occurring.

Mr. Smith asked about the heating change. A gas fire boiler would be placed in the same location with little alteration. Exterior alterations would be in February. The renovations such as fire walls would come shortly thereafter. There would be no structural changes at that time to disrupt the tenants. There would be hammering during business hours. Mr. Smith asked if these renovations would make the structure more secure, if it would be more permanent. Mr. Land believed they would.

Council member Smith asked why the structure had not been brought up to code, and questioned the cost of condominiums compared to rent. Mr. South, one of the owners, responded that some of the more pressing changes had been made. Rent varied from

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\$200 to \$245 a month. There were several vacancies due to the semester change. Tenants since the change of ownership had been told they would not have a lease. The previous owner had experienced 35 to 40% turnover. Mr. South expected the condominium units to sell in the low \$40's.

In response to Mr. Geer, Ms. Phipps stated Mr. Blocksidge had been in the house since 1927; she had been there since 1951; the Weatherbys had been there 10 years; one family had been there 5 years and another elderly lady had just moved in. Mr. South informed the Council he intended to sell no more than 5 units to investors. They would offer these units to tenants who had been in the building the longest. The tenants were 50% students. Mr. Denny advised this would not be legally binding.

Mr. Land informed the public the applicant was asking the Council for a variance as well as a special use permit. Mr. Smith asked why the applicant believed this structure was of historic significance. Mr. South said many well-known people had lived here when attending UNC. Mr. Smith commented that students in the future would not be able to live here.

Mr. Page submitted the statement of justification, and the report on conversion and improvements for the record.

Mr. McKerrow submitted a petition from the Council on Aging expressing concern for the difficulty of the elderly on fixed income in finding rental housing. They requested the Council to investigate the impact of the trend of converting rental units to condominiums and to establish a policy to deal with this. Mr. Smith presented a petition from the tenants of Graham Court Apartments (there were 19 present who were opposed) opposed to the conversion.

Ms. Liza Goodwin, representing student government of UNC, objected to the conversion because it would reduce the amount of housing available to students in an area where there is already a scarcity.

Ms. Linda Anderson stated that she had rented an apartment at Graham Court during June 1979. Although first promised a lease, she later was denied one. She had paid rent from June although not moving in until August because housing was difficult to find.

Ms. Rudd stated that she was a tenant of Graham Court. She was retired but had returned to school to prepare for a job as counselor. The apartments were close enough to walk to classes. She wanted to remain there but did not want to buy one of the condominiums.

Ms. Nies and her husband had been living in their apartment approximately 5½ years. They had been contacted about the conversion project and had planned to attend the Board of Adjustment meeting, but had been intimidated by the owner. They could not afford a condominium.

Mr. Denny reminded the Council they must address the four findings necessary for a special use permit. Mr. Francisco asked if the Planning Board could consider whether the change from rental to owner-occupied would be in conformity with the comprehensive plan. Mr. Denny answered it could.

Mr. Smith thought the Council should deny the special use permit because the minimum lot requirement was not satisfied. The renovations would make the structure more permanent contrary to the ordinance on non-conforming uses. He believed it should be denied because it was not in conformity with the comprehensive plan which

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called for a certain amount of low and moderate income housing and which called attention to the special needs of the elderly.

Mr. Steve Recchin lived across from Graham Court. He objected to the project on the grounds that the condominiums would cost more than the apartments. This would affect the neighborhood by raising property values.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. Mr. Denny then responded to the questions on whether the project would comply with the zoning ordinance. It would, in his opinion, as an existing project, comply with the zoning ordinance. The request was to change the form of ownership which would not increase the non-conformity. He did not believe, however, that approving the conversion in the form of ownership legitimized the existing 24 units. THE MOTION WAS CARRIED UNANIMOUSLY.

Ironwoods

Mayor Nassif reconvened the public hearing on Ironwoods. Mr. McAdams revised his traffic figures. The capacity for Estes Drive was 800 to 1200 vehicles per hour. The count for Estes Drive was 700 vehicles per hour. He pointed out this would be an in-fill project. 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.

The Council then directed the Manager to investigate the matter of rental conversion to condominiums and ways of dealing with this problem.

Baum Townhouses

Mr. Jennings presented the proposal for townhouses on .62 acres of land located on Airport Road. The property was zoned R-4. There was concern about the adequate handling of off-site drainage. The project would be within walking distance to town.

Mr. Baum submitted the statement of justification for the record. There were no citizen comments. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Chapel Hill-Carrboro City Schools

The applicant was not present. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO DEFER THE ITEM UNTIL THE JANUARY 21, 1980, AGENDA. The Council discussed the fact that the building had been erected without the permit and how to better communications with the School Board so that this would not happen again. THE MOTION WAS CARRIED UNANIMOUSLY.

Timberlyne

Mr. Jennings explained that when the town had rezoned Timberlyne from County to Town zoning it had been working with 1978 tax maps. The 1979 tax maps showed more area in the lot. The additional area needed to be rezoned from County to R-20.

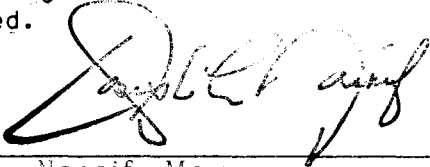
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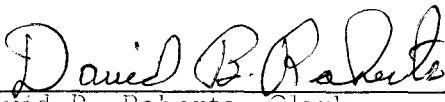
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Council member Smith asked if the owners of the property had been notified. Mr. Jennings responded that in the case of the town requesting rezoning, it did not notify owners. This was an effort to correct an error caused by incorrect tax maps. There were no comments from citizens. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, 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 public hearing was adjourned.



Joseph L. Nassif, Mayor

David B. Roberts, Clerk

