

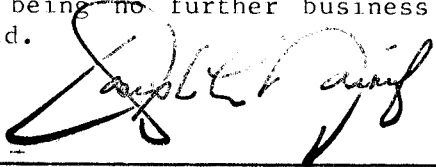
Future Agenda Items

Council member Boulton asked for the disposition of the illegal trailer at Estes Hills School. Mr. Shipman stated he would make a full report to the Council at the next meeting.

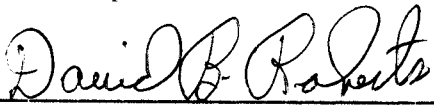
Council member Straley stated the Audit Committee was uncertain as to its charge from the Council. The Council discussed this as well as the same problem existing for other committees. Council members Howes and Kawalec were asked to prepare a draft for the Council to consider at work session.

The work session scheduled for February 2 and 3 was changed to February 2, to be held in Chapel Hill.

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



\_\_\_\_\_  
Mayor Joseph Nassif



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Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING OF THE  
MAYOR AND CHAPEL HILL TOWN COUNCIL  
MUNICIPAL BUILDING  
MONDAY, JANUARY 21, 1980  
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Joseph Herzenberg
- Jonathan Howes
- Beverly Kawalec
- Joseph Straley
- Bill Thorpe
- James Wallace (late)

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Smith was excused. There was a quorum of the Planning Board present.

Mr. Denny explained the legal procedure for considering special use permit requests.

Public Hearing to Consider a Portable Building Special Use Request for Estes Hills School

All witnesses were sworn. Mr. Jennings presented the request for approval of a 24' x 32' temporary building at Estes Hills Schools to be located behind the main building. Mr. Pelequin represented the School Board. In response to Council member Boulton's question, he stated the School hoped to replace the temporary building with a permanent structure within five years. The school needed more space. Mr. Pelequin submitted the statement of justification for the record. He believed there would be no adverse impact on the environment. The building would be screened and well maintained.

Council member Straley asked how much space would be left for play area. Mr. Pelequin answered the building would be placed on a grassed area where children did not usually play. There would remain approximately 35 acres for activities. No additional portable buildings were planned.

Council member Boulton asked how long the trailer would last. Mr. Pelequin believed it would last 10 to 15 years if maintained; but if not, it would last no more than about 2 years. This particular trailer was 6 years old and had been in place for several months.

It was not visible to the houses in back of the school. There were no further comments from the Council or the audience. 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.

Public Hearing to Consider a Special Use Request for a Unified Housing Development for Creekside Townhouses

All witnesses were sworn. Mr. Jennings presented the request for a permit for 6 townhouse units on a 2.87 acre tract off Village Drive. The remaining 7.14 acres would be dedicated to Village West Homeowners Association if they would accept it. Two units were under construction which was permissible under the zoning ordinance. Concern was expressed at the Planning Board's public discussion because these two units were located in the flood fringe. They were being constructed in accordance with the requirements for flood insurance. Council member Kawalec asked if these units would comply under the proposed zoning ordinance. Mr. Jennings said they would. All 6 units would be covered by the permit.

Mr. Greg Shepard stated the construction would be in compliance with town ordinances. The zoning for the tract was R-3, R-6 and R-15. A buffer would be left between Umstead Drive and Village West. There would be a portion of land for open space adjacent to the units. Mr. Shepard submitted the statement of justification.

Mr. Reeve asked for the distance between the two units and the floodway. Mr. Shepard responded the distance from the units to the periphery of the floodway would be approximately 28'.

Ms. Lyn Taylor, President of Village West Homeowners Association, indicated their willingness to accept the portion of the property offered by Mr. Goforth, subject to a 2/3 vote of the membership. They did not oppose the project.

Mr. Cohen, the closest property owner to the project believed the project to be in harmony with the area. He thought this would be the best use of the property, if developed, and it would guarantee open space. There were no further comments. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Special Use Request for a Unified Business Development for an Addition to Timberlyne Office Park

All witnesses were sworn. Mr. Jennings stated that at the time the Timberlyne Office development was considered there was a 6 acre tract to the west which was being developed under general commercial zoning of the county. The applicant was now requesting approval to add this tract to the office park. Besides the building under construction, there would be a 5,200 sq. ft. addition and another building. In addition there would be receiving dishes for television. The 150' tower would be located on the site of the already approved Timberlyne Office Park which would need a modification.

Mr. Bob Woodruff submitted the statement of justification. The addition to the building would be for the cable TV facilities. The additional building would be for offices.

Mr. Reeve asked how close the tower would be to the property line. Mr. O'Brien answered the tower was 170' from the power line which was just inside the property line. The power line easement was 80 to 90' wide. In response to Mr. Rindfuss, Mr. Woodruff stated the receiving dish would be approximately 15' in diameter. The dish would not be visible from the road. Any development would be to the north of the power line.

Mr. Page, one of the owners of Timberlyne Office Park, had no objection to this project. Mr. Page submitted a letter to this effect. There were no further questions or comments. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Special Use Request for a Unified Business Development for the University of North Carolina General Administration Offices

All witnesses were sworn. Mr. Jennings presented the request to construct a 20,000 sq. ft. building next to the existing General Administration Building. The parking would meet zoning requirements.

Mr. Alan Waters, Assistant Vice President for the University, submitted a picture of the building and the site plan. He described the proposed building which would have a setback of 200' from Raleigh Road. It would be used for administrative purposes. He submitted the statement of justification.

Mr. Pelequin stated he was familiar with the property and with the proposed building. He did not believe the building would detract from the surrounding area. Council member Boulton asked if the buildings would be joined. They would be connected by a covered, enclosed passageway. Mr. Reeve inquired whether the parking would be used for staff of UNC. It would not. The 300 spaces were required by the zoning ordinance. Mr. Jennings explained this could be reduced by the Council on certain findings. There were no further comments. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider Zoning Map Amendments to Rezone Areas Annexed by the Town of Chapel Hill on December 31, 1979, which were Not Included in the Town's Planning Area Before Annexation

Mr. Jennings explained that part of the area included in the annexation had exceeded the town's planning area. In recommending zoning for these areas, the staff had tried to follow closely county zoning, with the exception of commercial zoning. Those areas zoned commercial, but not developed commercial, were proposed for other zoning to ensure that any commercial development would come under unified business development. The school property would be R-20; Carol Woods would be R-3; Timberlyne Commercial establishment would be regional commercial; the southwest corner of Homestead Road and NC 86 would be limited business; Moody's Trailer Park would be agricultural; North Forest Hills would be R-15; and the remainder of the area would be R-20. The corner of Homestead Road and NC 86 was being used for a commercial use and could be zoned commercial if the Council wished. Moody's Trailer Park would be agricultural because this was the only zoning which allowed mobile homes. This would not bring the area into compliance with the land use plan. Mayor Nassif asked if the owners of the business on the corner of Homestead and NC 86 were notified. Mr. Jennings said he had not notified anyone individually. The town could zone in a less restricted zoning than advertised, but not more restricted without another hearing.

Mr. Page, representing Mr. Moody, owner of 1 acre south of the Wilco Service Station, immediately across from the Minimart, objected to the residential zoning proposed for this property. It was now zoned commercially even though used for apartments. The more restricted zoning would impair the value of the property. Although the owner could apply for a special use permit, there was no guarantee he would get it.

Council member Thopre agreed that property owners should be notified of a proposed change in zoning. There were no further comments.

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

Special Use Request for a Unified Housing Development for Laurel Hill, Section V

All witnesses were sworn. Mr. Jennings presented the request for approval to construct 42 units on 30.45 acres of land located on Park Road. The concerns at the public discussion had been on the issue of paving Parker Road and fire protection for the units.

Mr. Lyman, representing Mr. Messer, stated that Mr. Messer's position was that the project was a modification to his original permit, not a new proposal. The Council disagreed. Mr. Lyman asked that the Council consider the minutes of November 12, 1979. Mr. Messer stated the difference between the project for which a permit was granted on November 12, 1979, and the project now under consideration was 12 units in pairs of 6. Mr. Messer did not believe there would be a significant change in the environment, but the sewer line would be extended 200'.

Mr. Horne stated the additional 12 units would increase the daily trips from 240 to 336 for the proposed development. In his opinion this would have no significant impact on the area. He submitted a letter dated November 7, 1979, which modified the traffic study previously submitted to the Council and a part of the record of the previous hearings.

Mr. Messer did not believe the additional 12 units would have an effect on the surrounding property values. He stated he had an appraisal which indicated that with the price of the units maintained there would be no effect. Council member Howes asked if Mr. Messer had indicated fire service would be by North Chatham. Mr. Messer responded a fire service district was being set up with North Chatham as the provider of service.

Council member Straley questioned whether the effect on traffic included roads other than Parker. Mr. Horne had studied the impact on the entire area, including that

across Parker Road, Morgan Hills, Farrington Hill, along Arboretum Drive, and Laurel Hills. If fully developed improvements would be needed. Alternative access would be needed; however, the proposed project would not have a significant impact. The existing road could have 800 to 1000 trips per day on it.

Mr. Lyman submitted the record of the previous proceedings on the special use permit for review by the Council. Mr. Messer pointed out the location of the additional units for Mr. Rindfuss. The same solar techniques would be used, but because of a fire hazard the cedar shingles would be changed to asbestos shingles which resembled cedar shingles. Mr. Messer submitted the statement of justification.

Mr. Feiss questioned Mr. Horne on the increase in traffic from what it is now to what it will be with the 42 units. Mr. Horne responded the increase would be from approximately 500 to 840 daily trips. Mr. Feiss asked about the increase on the segment of Parker Road which is not paved. The increase would be due to the development. Mr. Feiss then asked if the developer would improve Parker Road to state standards. Mr. Messer replied that it was one of the stipulations on the special use permit. He did not have the right-of-way, but was not required to do so until the permit was granted.

Mr. Ronald Helms asked for Mr. Messer's estimate of the value of Mr. Helms' property now, after the development and if the project was not constructed. Mr. Messer stated he could not guarantee that Mr. Helms' property value would be increased, merely that it would not be decreased by his project. Mr. Helms pointed out there had been no expert testimony at this hearing on the property value. Mr. Messer reminded the Council that a realtor had been at the previous hearing and had offered testimony to the effect that Mr. Helms' property would not be devalued.

Mr. Helms asked who owned the land on which the project would be constructed. Mr. Messer explained that Mr. Hunt owned the land, but he had a contingency contract to purchase. Mr. Messer was financially responsible for execution of the permit.

Mr. Feiss stated the area was a rural area in transition. The residents believed the characteristics of the area made it unsuitable for the project. There was no traffic plan in operation in the area. He pointed out there was no fire protection in the area and inadequate police protection. The residents also believed the developer did not meet certain minimum standards. Mr. Feiss stated that Parker Road was substandard and that the right-of-way did not exist for widening.

Ms. Trujillo said many children and elderly residents walked along Parker Road. The speed limit was 25 m.p.h. With an increase in traffic this would be difficult to enforce. The permit should be denied in her opinion unless the safety of these residents could be preserved.

Ms. Feiss informed the Council she had observed a pickup loading construction material late at night from a house under construction. They had called the sheriff's office three times before getting a response, and the personnel there did not know where the area was. On another night she had been awakened by a burglar alarm but the sheriff had not arrived for approximately 30 minutes.

Mr. Ed Johnson of Orange Grove Fire Department asked the Council to consider how an alarm would be sounded, what type of equipment would answer the alarm and how soon it would be answered. He reviewed the procedure for answering a fire call. He advocated mutual aid agreements so there could be enough equipment for more than one fire. Mr. Johnson warned that calls outside the fire district might not be answered. And, for fires to be reached quickly, the fire district should cover no more than a four mile radius from the station.

Council member Howes asked if Mr. Johnson had an opinion on how safe the area would be with Chapel Hill providing the service. Mr. Johnson answered that it depended on how long the response time was.

Mayor Nassif asked Mr. Feiss if the residents had ever applied for fire protection. They were currently doing so. The situation with respect to legality had changed a year ago. At that time North Chatham was not in a tax district and was giving equal protection to this area. The residents had now entered negotiations with the County to establish a fire tax district. They had begun these negotiations in the summer of 1979. Mayor Nassif asked how long Mr. Feiss had been in his residence. He had lived there since October 1977. He had not known he did not have fire protection. Mayor Nassif asked if Mr. Feiss had ever notified the County Commissioners that he was not satisfied with the sheriff's coverage. Mr. Feiss was doing so now, but had not done so in the past.

1-28-80

After determining the number of people who still wished to speak, the Council approved a five minute time limit on each speaker.

Mr. Feiss believed there to be several problems with sedimentation control in the area. He presented a map showing the slopes in the area. Sixty percent of the area was in excess of 15%. The loop roads would be on high grades. The subdivision ordinance required less than 8% grades for roads. Mr. Feiss pointed out the preliminary elevation drawing did not show the roof line. The existing structures within 500' and existing ground cover were not shown. He stated that Rhododendron was a de facto cul-de-sac in excess of 400'. The soils were not considered proper for urban development on the county soils map. There were not 63 parking spaces as required.

Mr. Rupkelvis stated there were inconsistencies on the fact sheet and statement of justification. There were not as many parking spaces as required. Chapel Hill did not collect garbage in this area. Some of the grades were in excess of 30%. Although suggested as an alternate route, Bayberry Drive was not going to be extended by the developer.

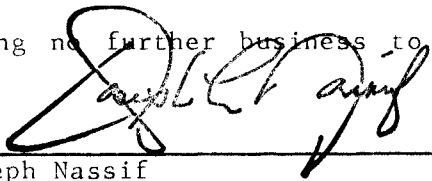
Ms. Alice Gordon entered in the record the testimony by residents from previous hearings. She stated the thoroughfare plan was now obsolete. Although Parker Road was to be extended, that would now be difficult as it ended in University property. The University had no development plans for the property. The only alternative for dual access was Bayberry Drive which was not recommended for extension. There would be more development on the Hunt property. She stated that traffic planning was needed before the development.

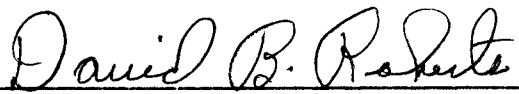
Mr. Helms submitted a photograph of a portion of Parker Road and documents pertaining to school bus accidents in general, stating that this portion of Parker Road was a safety hazard because of poor visibility. He also submitted a statement regarding private conversations between himself and Mr. Horne relating to an eastern access. Mr. Helms submitted a copy of a contract between the University of North Carolina and Mr. Hunt.

Mr. Tom Traut, representing Morgan Creek Hills Homeowners Association, and Farrington Hills Homeowners Association, expressed the concern of these organizations over the traffic produced by the proposed project should the connection to Bayberry be made. Traffic would be funneled onto Azalea which was not a collector street. There were no further questions.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, 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.

  
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 Mayor Joseph Nassif

  
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 Town Clerk David B. Roberts

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MINUTES OF A REGULAR MEETING OF THE  
 MAYOR AND CHAPEL HILL TOWN COUNCIL  
 MUNICIPAL BUILDING  
 MONDAY, JANUARY 28, 1980  
 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Joseph Herzenberg  
 Jonathan Howes  
 Beverly Kawalec  
 Joseph Straley  
 Bill Thorpe